

E NATIONAL CHURCH

CATHOLIC, APOSTOLIC, REFORMED, PROTESTANT

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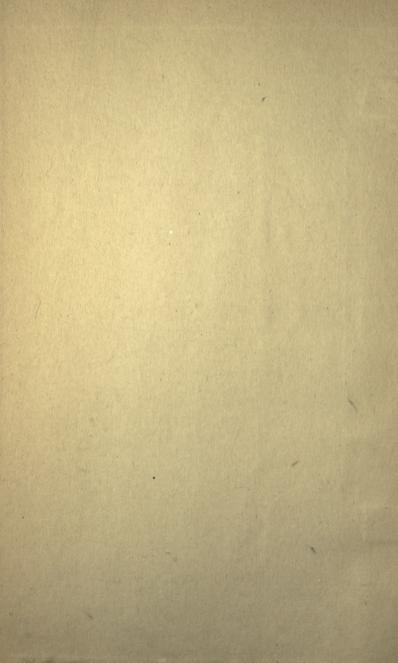
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THE NATIONAL CHURCH

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THE NATIONAL CHURCH

CATHOLIC, APOSTOLIC, REFORMED, PROTESTANT.

SPEECHES, ARTICLES, AND LETTERS

BY THE RIGHT HON.
SIR EDWARD CLARKE, K.C.

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PREFACE

THE last nine years have been a time of deep anxiety

to all loyal members of the Church of England.

In June, 1906, the Royal Commission which had been engaged for two years in its investigation of the alleged prevalence of breaches or neglect of the Laws relating to the conduct of Divine Service in the Church of England, and to the ornaments and fittings of churches, presented its unanimous Report.

The closing sentences of that Report were reassuring:—

"The complaints made to us relate to a small proportion of the 14,242 churches in England and Wales, and vary greatly in their character and gravity. To preclude an impression which would, we believe, be unjust to the general body of the clergy, we desire to place on record our conviction that the evidence gives no justification for any doubt that in the large majority of parishes the work of the Church is being quietly and diligently performed by clergy who are entirely loyal to the principles of the English Reformation as expressed in the Book of Common Prayer."

But the evidence showed, and the Report stated, that there were practices, widely spread and increasing, which were "significant of doctrine or teaching contrary or repugnant to the articles or formularies of the Church of England, and which must therefore be seriously misleading to the faith and devotion of its members." On the other hand, there were many departures from the legal standard of the Acts of Uniformity, which had become common and indeed in some cases almost universal, but which had no doctrinal significance at all.

The Royal Commission recommended that Letters of Business should be issued to the Convocations with instructions:—

"(a) to consider the preparation of a new rubric regulating the ornaments (that is to say, the vesture) of the ministers of the Church, at the times of their ministrations, with a view to its enactment by Parliament; and

"(b) to frame, with a view to their enactment by Parliament, such modifications in the existing law relating to the conduct of Divine Service, and to the ornaments and fittings of churches, as may tend to secure the greater elasticity which a reasonable recognition of the comprehensiveness of the Church of England and of its present needs seems to demand."

And the Report added :-

"It would be desirable for the early dealing with these important subjects that the Convocations should sit together, and we assume that they would take counsel with the House of Laymen."

In accordance with this recommendation, Royal Letters of Business were issued to the Convocations in the following September, authorizing the Convocations to debate, consider, consult, and agree upon these recommendations, and directing them after such consideration to present to the King a Report or Reports thereon in writing. Since that time the subject has been almost constantly under the consideration of the Upper and Lower Houses of Convocation of both provinces.

It would serve no useful purpose to try and recount the varying decisions which have from time to time been arrived at by these assemblies. But some incidents in the discussion may be noted with advantage.

In the summer of the year 1911 a determined effort was made to coerce the Convocations either to abandon altogether any attempt at Prayer Book Revision or to accept changes which would have destroyed, and were intended to destroy, the Protestant character of the book, and would have brought back, and were intended to bring back, the Roman teaching and practices which were discarded at the Reformation. A number of clergymen and laymen assembled at Hickleton, by the invitation of Lord Halifax, and discussed for three days the circumstances of the time, and they and others who were afterwards consulted adopted a resolution which, having regard to the results of its publication, deserves to be stated in full.

They pledged themselves to the following line of

conduct :-

"To resist and refuse to employ, any revised form of the Book of Common Prayer which—

- 1. Relaxes the present directions of the Ornaments Rubric.
- 2. Alters the substance of the Athanasian Creed, or removes the duty of reciting it on certain holy days.
- 3. Sanctions the giving of Holy Communion to persons who are neither confirmed nor desirous to be confirmed.
- 4. Fails to restore a better and more primitive "Order of the Administration of the Lord's Supper," the irreducible *minimum* of improvement being:—
 - (a) The linking together of:—

(1.) Preface and Sanctus.

(2.) The present Prayer of Consecration.

(3.) The present Prayer of Oblation.

(4.) The Lord's Prayer. And

(b) The placing of the Exhortation, Confession, Absolution, and Comfortable Words in their proper place after the Communion of the Priests.

5. Sanctions the postponement of Holy Baptism beyond the limits of time appointed in the present

Book of Common Prayer.

6. Fails to provide a form for the Scriptural and

Catholic practice of anointing the sick.

7. Fails to recognize or in any way interferes with the continuous reservation of the Sacrament of Christ's Body and Blood, the object of this reservation being to ensure, as far as is possible, that the sick and dying shall not be deprived of Holy Communion.

8. Fails to sanction direct prayers for those 'who are fallen asleep in Christ,' together with a Collect, Epistle, and Gospel for the celebration of the Lord's

Supper on their behalf."

They held that such opposition would be justified by the fact that the presence of all or any of these defects would imply on the part of these revisers a want of fidelity to the universally received doctrine

or practice of the Catholic Church.

It would be difficult to exaggerate the good which has been done by the publication of this arrogant manifesto. It made two things quite clear. First, that there was within the Church of England an organized body of clergy and laymen who were seeking to undo the work of the Reformation. Secondly, and still more usefully, it showed that with these people there was no use in any discussion with a view to accommodation or agreement. They stated their "irreducible minimum," the eight points which must each and all be conceded as the price of their submission to any revision of the Prayer Book which the Synods of the Church in concurrence with Parliament and the King might resolve to make. The result has been clearly shown in the later proceedings of the Houses of Convocation.

Not only have societies like the National Church League been strengthened in membership, and stirred to greater activity, but that great body of moderate and thoughtful opinion which is known as Central Churchmanship has shown quite definitely that it will not accept these insolent demands.

The opinions of the Convocations have wavered from time to time, but their more recent decisions are encouraging to those who are resolved to maintain the sound doctrine and practice of the National Church.

Thus it was proposed, and at one time the suggestion

appeared likely to be generally accepted, that an alteration of some importance, but far short of anything suggested in the Hickleton ultimatum, should be made in the Service of Holy Communion. But prompt and firm objection was made, and now both the Upper Houses of Convocation, in the Northern Province with unanimity and in the Southern Province by a majority of 15 to 5, have decided that that service shall remain unaltered. And with that decision there falls to the ground the most mischievous proposal that two alternative books should be provided and used experimentally at the choice of incumbent or congregation; a course which would only aggravate and perpetuate the divisions which everyone desires to see removed.

This resolution of the Bishops carries us a very long way towards a satisfactory revision of the Prayer Book. Once let it be clearly and finally decided that the order of the prayers after the prayer for the Church Militant shall not be interfered with, and the only real difficulty in agreeing upon revision is done away with. And it is hard indeed to see why that service should be altered. There have always been in the Church of England, as in all churches, even from apostolic times, men of different schools of thought, whose training and character and intellectual outlook led their minds to dwell on differing aspects of the central truths which all held fast.

Keble and Simeon and Maurice; Wilberforce and Ryle; Liddon and Tait and Temple, all found in this service the expression of their deepest devotion. What a misfortune it would have been for the Church of England if some of those whom I have named had been able to exclude the others from their Christian fellowship.

Now as they see that neither of their imperative conditions is at all likely to be complied with, the Hickleton party are trying to prevent any revision at all. But this is wholly unreasonable. There are many points of practical amendment of the Prayer Book on which men of all parties are agreed. The permissive shortening or variation of services, the disuse or the regulation of the use of the Athanasian Creed, the revision of the Psalter and the optional use of Psalms appropriate to the occasion or to the subject of the sermon, the very desirable amendment of the Lectionary, and the addition of services for special occasions are matters, some of them of real importance, which do not necessarily involve questions of doctrine, and can without any great difficulty be settled. I wish indeed, for reasons which have been publicly stated, that the whole subject of the reply to the Royal Letters of Business had been allowed to rest until the end of the war, and that a recent vote in the Upper House of the Northern Province, to which I shall refer later, had not made more opportune the immediate issue of this volume, but I gather from a recent statement of the Primate that he thinks the difficulties have been greatly lessened, and that he hopes many of the proposed and trivial alterations will be abandoned.

Subject always to the condition that the Communion Office shall not be tampered with, I trust that clergy and laity will steadily support this cause of Prayer

Book Revision.

The adoption of an amended Prayer Book framed on these lines will be a valuable guarantee of the maintenance of the Protestant character of the Church

of England.

But upon the other subject referred to in the Royal Letters of Business, the preparation of a new rubric regulating the vesture of the ministers, I am sorry to be obliged to write less hopefully. The question of the use of the Roman Mass vestments in the parish churches of England is one upon which no accommodation or concession is possible. It seems, indeed, very strange that the peace of the Church of England should be disturbed, and her influence for good sorely weakened, by the insistence of a certain section of her clergy upon wearing, in defiance of the law of the land, and

of the rule laid down by the Church in her own Synods, vestments which for nearly three centuries were never seen in any cathedral or parish church in this country.

No one of these law-breakers has ever contended that the validity of the Sacraments is or can be affected by the dress which is worn by the priest when he consecrates the bread and wine, and administers them to the communicants of whom he is one.

That they are breaking the law cannot be denied. The Royal Commission which presented an unanimous report in 1906, included among its members the present Archbishop of Canterbury, the late Bishop of Oxford (Paget), the present Bishop of Gloucester, the present Bishop of Ripon, the late Lord Chief Justice (Lord Alverstone), and the Dean of the Arches (Sir Lewis Dibdin). They placed the wearing of the Eucharistic vestments first on their list of "Illegal practices which either from their nature, from historical association, or from some other cause, appear to have a significance beyond that which the practices in themselves possess, that is to say, simply as deviations from the law."

Abundant proof of the truth of this description will be found in that Report, but there is one aspect of the question which may, I think, be usefully dealt

with here

Those who have adopted these vestments, moved in great measure, I believe, by personal vanity, but partly influenced by the desire to assimilate the ritual of the Church of England to that of the Church of Rome, are in the habit of scoffing at the judgments of the Privy Council. A full account of the establishment of that tribunal with the consent and approval of the Episcopate of the Church will be found at page 8 of this book.

As to the judgment in Ridsdale v. Clifton, it is enough to say here that quite apart from the high authority of the judges and of the Prelates who were their Assessors, no one has ventured seriously to question the correctness of their conclusion upon the facts

which are clearly set out in that judgment. It was attempted before the Royal Commission to show that there had been a failure to notice or appreciate some material facts, but the attempt broke down hopelessly.

But this attack upon the Judicial Committee of the Privy Council is only a device to conceal the fact that those who use the Mass Vestments are disobeying the rule of the Church, solemnly laid down in her Synods, and universally obeyed for two centuries and a half.

The question which was decided by the Judicial Committee in Ridsdale v. Clifton had nothing to do with any matter of faith or doctrine. It was simply the question whether the Advertisements issued by Queen Elizabeth in 1566, which directed that "every minister saying any public prayers, or ministering the Sacraments, or other rites of the Church, shall wear a comely surplice with sleeves" was a valid exercise of the power which was reserved to the Queen by the Act of Uniformity to take order with respect to the Ornaments of the Church and of the ministers thereof. The Court decided that it was, and that the law then established remains the law of this Church and realm.

If they had decided the other way and held that the section of the Act of Elizabeth, which was in its terms provisional and temporary, was still an operative law, and that from 1566 to 1850 all the Archbishops and Bishops and clergy of the Church of England had been disobeying it, one might have expected that a strong protest would be made by the clergy, who, having given their solemn assent to the Articles of Religion, one of which declares that "the Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith " (Art. 20), might well have contended that this Act of Parliament, which had not the sanction of any Synod of the Church, never had any real authority, and could not be revived after a lapse of three centuries as an effective law. "Ornaments Rubric," as the incorrect quotation from the Elizabethan Act is commonly but erroneously

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called, gives no option for an alternative vesture, and if the Court had declared that the chasuble must be used at every service of Holy Communion, those Churchmen who feel most strongly that these are not matters for Parliamentary control would have claimed, and rightly claimed, that the binding rule should be sought, not in a Tudor statute, but in the rule laid down by the Church itself.

Has the Church laid down such a rule? There is

no difficulty in answering that question.

In March, 1604, King James the First issued Letters Patent to the Convocation of Canterbury directing

them to frame a new body of Canons.

At this time the See of Canterbury was vacant by the death of Archbishop Whitgift in the previous month, and the Royal Letters were directed to Bancroft, Bishop of London, who received a commission from the Dean and Chapter of Canterbury to preside in the Synod, and who nine months later was translated to the primacy. Convocation met on the 20th March, and at once addressed itself to the consideration of Canons which appear to have been drafted by Bancroft himself. One important subject of consideration was the necessity of uniformity in the dress of the clergy, for while no one suggested the use of the old vestments which had been disused and destroyed forty years before, it had appeared at the Hampton Court Conference that in some parts of England, notably in Lancashire and in Suffolk, there were ministers who refused to wear the surplice. At the eleventh session the President delivered to the Prolocutor a Book of Canons, one hundred and forty-one in number, which had been agreed to by both Houses of Convocation. These Canons were confirmed by Royal Letters Patent, and were published under the title of "Constitutions and Canons Ecclesiastical, treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and Clergy of the said Province and agreed upon with the King's Majesty's License," and they were promptly and even severely put in force. That they were in every respect regular and valid Canons of the Church, and as such binding upon the clergy, could not be questioned. But two difficulties arose. The first twelve Articles pronounced sentences of *ipso facto* excommunication against schismatics and maintainers of conventicles and those who impugned the King's Supremacy or the Government or form of worship of the Church of England. Now at that time a sentence of excommunication carried with it certain civil disabilities, as, for instance, that the excommunicated person could not sue for his debts, and could not be a witness in a court of law. And it was objected that these penalties could only be inflicted under an Act of Parliament.

A Bill was introduced and passed through the House of Commons which provided that no Canon or Constitution Ecclesiastical made within the last ten years or to be made thereafter should be of force to impeach or hurt any person in his life, liberty, lands, or goods unless it were first confirmed by Act of Parliament. Conferences took place between the two Houses, and in the result the Bill was not proceeded with, as it was clear that it would simply declare the existing law, and no legislation confirming the new Canons was proposed.

The other difficulty concerned the Northern Province. The Canons had not been submitted to the Convocation of York, and it was rightly contended that only such Canons as had been agreed to by the Synods of both Provinces could be held binding on the whole Church.

So Letters of License were issued to the Convocation of York, and on the 5th March, 1606, the Synod of the Northern Province assembled and deliberated upon the matter, and finally they did by their "unanimous consent and assent ratify the ecclesiastical constitutions aforesaid, and command them to be firmly observed in and through the whole Province of York."

Canons 24, 25, and 58 regulate the dress of the clergy. 24. In all cathedral and collegiate churches, the holy communion shall be administered upon principal feast days, sometimes by the Bishop, if he be present, and sometimes by the dean, and sometimes by a canon or prebendary, the principal minister using a decent cope, and being assisted with the gospeller and epistoler agreeably, according to the advertisements published anno 7 Eliz.

25. In the time of divine service and prayers, in all cathedrals and collegiate churches, when there is no communion, it shall be sufficient to wear surplices: saving that all deans, masters and heads of collegiate churches, canons and prebendaries, being graduates, shall daily, at the times both of prayer and preaching, wear with their surplices such hoods as are agreeable

to their degrees.

58. Every minister saying the public prayers, or ministering the sacraments or other rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish. And if any question arise touching the matter, decency or comeliness thereof, the same shall be decided by the direction of the ordinary. Furthermore, such ministers as are graduates shall wear upon their surplices, at such times, such hoods as by the orders of the Universities are agreeable to their degrees, which no minister shall wear (being no graduate) under pain of suspension. Notwithstanding it shall be lawful for such ministers as are not graduates to wear upon their surplices, instead of hoods some decent tippet of black, so it be not silk.

Some of these Canons of 1604 have fallen into desuetude, but that, except where they have been altered by Convocations, they are still the law of the Church cannot be questioned. Their validity has been frequently recognized in the courts of law.

They were amended in 1866 (Canons 36, 37, 38, and 40), and in 1888 (Canons 62 and 102), by Canons duly made under Royal authority and ratified by Royal

Letters Patent.

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Again, in 1892 a new Canon was duly made when

the Church Discipline Act was passed.

Thus in 1604 the Church in her own Synods solemnly established the law, and made it impossible for any true Churchman to question its authority. No one did dispute it. For very nearly two hundred and fifty years the surplice was used in every parish church in the land, and when, in the latter part of the last century, the black gown which it had been customary to wear in the pulpit was generally given up, the change was in great measure insisted upon and submitted to on the ground that the terms of the Canon were wide enough to cover the sermon and the prayers which preceded and sometimes followed it.

It is interesting and not unimportant to note that on the tenth day of the trial of Archbishop Laud he dealt with the charge made against him of having worn a cope at Communions and Consecrations, and his short and sufficient answer was: "And for Copes, they are allowed at times of Communion by the Canons

of the Church" (Can. Eccles. Angl. 24).1

It is now proposed that the Church in her Synods should make new Canons which shall condone and reward the disobedience of certain of the clergy to those which now exist by permitting the use of the Mass vestments.

It is curious to note how little some members of the Episcopal Order appreciate the gravity of this question. A resolution has recently been passed in the Upper House of the Convocation of the Northern Province by a majority of 5 to 4 in favour of permitting the use of a chasuble provided it is made of white material. A more futile proposition was never made. Such a Canon would deservedly be treated with contempt. There is indeed no room for compromise or concession on this matter. A Canon permitting the use of the vestments subject to the direction of the Bishop would only increase the disorders of the Church, and bring a discordant and fluctuating use into every diocese. I do not suppose that the

¹ State Trials 4, p. 455.

sanction given to an alternative use would cause an organized and extensive secession from the Church of England, such as would unquestionably follow from any alteration of the law which would make the use of these vestments compulsory. The clergy would not feel bound to surrender their livings because in other parishes this was permitted. But I have no doubt that large numbers of the laity would drift away to the Protestant Nonconformist bodies, between which and the Church of England there would be set up an absolutely impassable barrier. All hope of their reconciliation with us, whether in the mission field or at home, would have to be abandoned. And we know by experience what results would follow in the other direction. Vestments never come alone. They are invariably accompanied by other practices, and accompanied by teaching which finds in their use, and is justified in finding, a symbolism expressive of the Roman doctrine of the Sacrifice of the Mass. And if they are accepted, I do not see any means of effective resistance to these further developments. Not that I have any fear of such a proposal obtaining the authority of law. The Letters of Business do not empower the Convocation to frame a new Canon. This must first be given. Then the Canon framed in the exercise of that power must be approved by the Crown, and that such approval would be given to any proposal to sanction the use of Mass vestments appears to me most improbable. But if the Royal approval were given the Canon would have no legal validity, for it would conflict with the law as authoritatively laid down in Ridsdale v. Clifton. As the Royal Commission pointed out, an Act of Parliament would be necessary. It is as certain as anything in human affairs can be that Parliament would refuse to sanction the use of these vestments. I have never known a ministry strong enough to carry such a proposal through the House of Commons. But the passing of any such resolution by Convocation will be the signal

for the opening of a political campaign in which all the Protestant forces of the country will be organized in every constituency in defence of the Reformation Settlement.

In the controversies of that campaign, I hope this little volume will be found a useful handbook; I know it will be found trustworthy. But I should be sorry to close this preface upon a note of conflict and foreboding.

I trust it is not even now too late for the disturbers of our peace to return to the way of obedience. There is a task awaiting them, when this terrible war shall have reached its end, which will demand deeper selfdenial and self-sacrifice than is involved in the abandonment of their novel and fantastic claims. England will be changed. The men who, face to face with death upon the battlefield or on the seas, have heard the call to a deeper faith than has ever guided their careless lives, and those who have carried with them through all their dangers a firm faith in the Most High, will come back the upholders of a religion of life and conduct, and not of dogmatic refinements and ritual frippery. There will come a great opportunity for the National Church. In all the horrors and perplexities of to-day, the haunting doubts that rise when we see, after nineteen centuries of Christian teaching, the condition of a so-called Christian world, I hold firmly to the hope that in that Church will be found the power to call the nation to a higher life than it has ever known. But this power can only belong to a Church of unity and order; of obedience to law and faithfulness to solemn vows; of spiritual energy and intellectual strength; of anxiety to understand and diligence to serve the varying moral and social needs of the people. Surely it is not too much to hope that all these qualities may be found in rich abundance in our National Church—Catholic, Apostolic, Reformed. Protestant.

EDWARD CLARKE.

Peterhouse, Staines, 29 Dec., 1915.

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THE CHURCH AND ITS WORK

AN ADDRESS TO MEN, DELIVERED AT THE MASS MEETING OF THE CHURCH CONGRESS, AT THE ALBERT HALL, OCTOBER 13TH, 1899

My LORD BISHOP, it is about four months ago that you invited me, in terms which made your letter a command, to come and speak at this great gathering of the Church Congress, and I do not think that many days have passed since then without there coming to my mind the great responsibility that I had undertaken, and without my thinking very earnestly what I might be able to say of use. It is an opportunity given to few—an opportunity I am never likely to have again. If I, a layman, a Churchman, have anything worth saying to my fellow-Churchmen I must say it to-night, for this is my time. I am not going to try to please you by a speech of pleasant things. Though I am a politician, it is my habit to speak what is in my mind. I do not ask for your assent or your approval, I ask only for your attention and your thought. There is much temptation at such a gathering as this, in such a Congress, to dwell upon the great progress, material and moral, which has been made by the Church during the century which is nearing its close. But I put that aside. It would be pleasing, but I am not sure that it would be very useful. It has been said by that great writer and teacher, whose name the Dean of Canterbury has just mentioned, John Ruskin, that the world would be a great deal better if we occupied ourselves in finding fault with our own class and not

with other classes, and I think that it is well to ask, and to ask with frankness and with courage, What is the view that is held by others about the Church to-day? What is the favourite caricature that we find in outside descriptions of the Church? One can learn much from a caricature, though it is always unfair. It is the extravagant exaggeration of real defects. I look at the literature of to-day, and I ask, What is the opinion of the Church that is represented or indicated by those who are outside? It is saidand let us ponder over what is said of us-it is said that the Church is an ecclesiastical body of fashionable or feeble prelates and of wrangling priests. It is said that there is a self-complacent laity having fragmentary beliefs and occasional devotion. severely respectable, extremely conservative, ready always to listen to judicious platitudes upon the Christian life, but resenting the intrusion of Christian doctrine into the actual and practical affairs of the world, and inclined to tell a preacher to mind his own business if he ventures to refer to the large question of social purity and the national welfare. I say that that is a caricature. We know that it is a caricature. But is it not worth while to look at it for a moment and ask how it comes to pass that this can be said or thought concerning that Christian society, the Church? The Church has done, and is doing, as we all know, splendid work. In the darker times that have gone by, the Church has been the only teacher of the people. It is to-day the teacher of the larger part of the children that are being brought up; and, while it has secured to the great majority of our children the blessing of a Christian atmosphere and Christian teaching in the schools, it has given them-hundreds and thousands and millions of them—the higher privilege and blessing of which the Archbishop of Canterbury spoke to-night —the Christian home with the mother's teaching and the father's guidance. The Church is one of the greatest—I think the greatest—of the missionary

societies of the world. The Church is not actually the greatest, but it is one of the greatest, temperance societies to be found amongst us. The Church is sometimes—I wish it were always—the great peace society of the world, proclaiming in season and out of season the lessons and teachings of its Divine Master in the unwilling ears of a passionate and covetous world. But, with all these things to think of, how is it that we have to confess that a large part of the intellect of the country has been alienated from our creed, and that the greater number by far of the hardworking toilers of this land never enter a temple of Christian worship? It is a terrible thought. Is not the meaning of it that the Church has lacked something of its work, that it has been in some degree wanting to the great opportunity of the great mission that it has had? Let us think what is the motto and the rule of the highest Christian government, "To keep the simple folk by their right, to defend the children of the poor, and to punish the wrongdoer." That should be the rule of a Christian State. How far are we failing to act up to that rule of teaching? We cannot, by a word or by an Act of Parliament, or by a treatise, get rid of poverty from the world. We cannot. And our people, the great mass of the working men of this country, have gradually turned away from the idea that it is possible for any sort of legislation or of teaching to establish an artificial equality of social conditions which would last for a single week. Socialism indeed has given that up. But it is not inequality of condition that brings sorrow and misery to the world. I do not doubt that the well-paid servants of Dives were at least as happy as Dives himself. But Lazarus was at the gate and wanted so little. And the Lazarus that is at our gate always wants so little of relief and of help to raise him to a higher standard and to a happier life. We cannot solve—I do not imagine that anyone can solve—the eternal problem of poverty. But are there not many things among us which tend

to produce poverty, and to bring the shame and suffering which is worse than poverty itself, which we could prevent and should prevent if we were true to our ideals and duties as members of a Christian Church? Let me speak to you of one or two instances. The Dean of Canterbury has referred to the horrible overcrowding of our great city, in the dismal dens of which men, women, and children, huddled together, as Tennyson said, each sex like swine, live in an atmosphere of brutalism and degradation from which it is hardly possible there should rise the flower of a Christian life. I speak not of them. Let me speak of two or three others. When you leave this place to-night, if you go about two miles to the east and linger awhile till midnight has come, you will see a sight which is a disgrace to our city and our country, the like of which can be seen in no other capital of Europe. There you will see the terrible procession of the ruined daughters of the poor—for nine-tenths of the prostitution of England is from the seduced daughters and sisters of working men. You will see that procession going along the streets of our city, the women offering their bodies and their souls for sale, and, not only with no check or hindrance, but the uniformed servants of the city -the constables, and the superintendents, and the inspectors—are waiting upon the goblin market and regulating the path of vice. It is a spectacle of shame which is a disgrace to Christian England. But if we do not defend the children of the poor, do we punish the wrongdoer? How is it that the notorious swindler who has ruined hundreds of homes lives in luxury at his country house, with his French cook, while you drag to prison the untaught outcast who, for hunger's sake, has stolen a loaf of bread?

There is another thing that I want you to think of. Intemperance has been spoken of by the Dean, and I am not going to speak of that. Intemperance, indeed, is terrible in its effects, but intemperance is diminishing in this country, and has been diminishing

for years. But there is growing up in large areas of our population, not so much in the south as in the midlands and the north, a vulgar and sordid vicethe vice of gambling, which has many of the effects of intemperance. It ruins homes: it destroys the instincts of thrift, and it breaks a man's life up by filling his mind with a passion for getting money for which he has never worked. And this vice is growing in England, and doing incalculable harm to the life and the manhood of our people, and corrupting every manly sport among us. This vice is sanctioned by the example and the tolerant words of those who ought to be helping to keep the nation clear from degradation. How do we deal with it? If a man who keeps a little confectioner's shop puts an occasional shilling into his sweetmeat packet to tempt the children to come and buy, he is summoned before the police magistrates and fined under the Lottery Act. But the gambling clubs are in full vogue and are unchecked. Your newspapers are filled with the information which enables the gambling to go on. I heard the other day -I hope that it is not true—that a member of our aristocracy, one of the guarantors of this Church Congress, had said that he saw no harm in betting if you did not bet beyond your means. And he was a millionaire. If he said that, he could never have known the mischief that is being done in our great manufacturing towns. We fine the confectioner, but I saw that the highest court of justice not long ago condescended to hear an argument in a collusive action brought to establish the legality of the betting ring at a suburban racecourse. When I think of these things, there come to my mind the lines of Charles Kingsley:-

"Who would sit down and sigh for a lost age of gold
When the Lord of all ages is here?
True hearts will leap up at the trumpet of God,
And those who can suffer an dare.
Each old age of gold was in an iron age too,
And the meekest of Saints may find stern work to do
In the day of the Lord at hand."

Could these things be if we had done our duty as Churchmen with the strength and force of the Church? We have heard a great deal—I think too much—of the Catholic revival. Is it not time that there was something said of a Christian revival, a revival that would awaken us to a sense of our duty, our influence, and our capacity, and help us to make the Church of England to which we belong a more potent factor in all the moral and social movements that affect our country? There has been during the latter part of this century a great revival outside the Church. The Salvation Army has been the greatest religious phenomenon of the century. It is the largest temperance society in the world. It is, I think, the largest religious body I ever heard of the membership of which rests simply on personal holiness; whose every member was bound to constant self-denial; and whose obligations can only be enforced by exclusion from the body. I wish the enthusiasm and earnestness which have animated the Salvation Army had been found inside our Church. (A VOICE: "The Church Army.") I support the Church Army, but there are differences between the two. I am not speaking of a revival in personal holiness. Upon such a topic as that I should not presume to speak. But I am speaking of a revival which would make the great mass of our people understand that the Church was something better than a speculative society with a turn for charity organization, and that it really was a strong and living power, entitled to their affection by the Protestant purity of its faith, and by the universal sympathy of its manifold activities for good. There is an alliance, honourable and helpful to both, I think, between Church and State. God grant that it may long continue. Only bring the Church and the people into closer contact and a closer union. This is a great opportunity, this Congress, this great meeting. Here are thousands of Churchmen come from every county and belonging to every calling, and each one of you has around him

in the world a group of men who listen to his words and live by his example. Can we not go out from this place to-night determined for ourselves to give assurance to the toiling millions of this country that we desire to understand their needs, and to work with them and for them in every movement of social and material progress, and in that way cannot the Church and the people, no longer separate, but one in faith and doctrine, in charity and in hope, go forward in the century which will soon dawn upon us to the noblest victories of freedom and of faith?

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

SPEECH AT A CONFERENCE OF CHURCHMEN

Reprinted from The Record, 5th May, 1899

My Lord Bishop and Gentlemen, I have accepted the duty of moving this Resolution, and I should like to say before I address myself to it that when I received the invitation to this gathering it came from gentlemen whose acquaintance I had not the pleasure of enjoying, and of whose particular shades of Church belief I made no inquiry at all. It was an invitation, as I gathered, to meet Churchmen of different shades of opinion who desired to join in the presence of very serious dangers, and to see how far they could work together; and as reading through these Resolutions I found that I agreed with every word of them, I felt bound to come wheresoever it might be, and at whosesoever invitation, to give my vote in their favour.

Now I have to move a Resolution which touches upon one of the very practical difficulties with which we have to meet. It is the expression of the opinion, "That it is for the true interests of the Established Church that the final determination of ecclesiastical causes should continue to rest with Her Majesty in Council," and it deplores and declares the intention to oppose "the pretension put forward by a section of Churchmen that the law of the Church in spiritual matters is to be authoritatively interpreted by the clerical order alone." Now, my Lord Bishop, we are in the presence of a very serious movement upon this

point, and we cannot disguise from ourselves that one of the chief difficulties that we have in now dealing with practices which we believe to be most injurious to the life and efficiency of the Church is that those who have adopted those practices are attempting to discredit in advance the only existing tribunal by which they can be effectively dealt with. I do not say, of course, nor would I ask anybody to say, that any tribunal is incapable of improvement; but it is, I think, essential (and I am very glad that there was an emphatic declaration of the House of Commons upon that subject not very long ago) that we should recognize the obligation of all persons in this realm, lay or clerical, to obey the constituted judges and authorities of the land. I know we are often told that there is a very widespread feeling among High Churchmen of dissatisfaction with the Judicial Committee of the Privy Council, and a very widespread inclination to challenge the validity of its authority. I do not myself believe that statement. I think myself that among the ranks of High Churchmen, of whom I know a good many, there is only a small minority which would be prepared to challenge the validity of the authority of the Judicial Committee of the Privy Council. But whether the number of those who dispute its authority be large or small, I think it is very desirable that a reminder should be given to them and to all of what the real history of the authority of the Judicial Committee of the Privy Council is. It really represents substantially the same authority which has been established in this Church ever since the Reformation took place. By the statute of Henry VIII the Court of Delegates was established, and down to the early part of this century the Court of Delegates was the Court to which appeal was made in ecclesiastical cases. There was no authority, there never has been any punitive authority, in Convocation. For complaints as to the disobedience of the clergy to the rules of their Church recourse had to be made to the Bishops' Court, and eventually to

the Court of Delegates, which was a lay Court, sometimes strengthened by the presence of spiritual persons. but not necessarily containing any spiritual persons at all. That was the Court to which appeal was made. It was a final Court, subject to this, that during all this time if questions came up upon which a further appeal was desired, that appeal was made by petition to the Crown, and the Crown referred it to the Lord Chancellor of the time, who had counsel before him and heard their arguments and advised the Crown upon the matter. It is true that there were very few occasions of bringing this Court into any sort of effectual action; but from the reign of Henry VIII down to the beginning of the reign of William IV that was the government of the Church, and the government of the Church as administered by the Supreme Governor of the Church, the monarch for the time being. In 1832 an alteration was made, and by that alteration the decision of the Court of Delegates was abolished and the decision in those matters was transferred to the Privy Council, and I can find no trace of any sort of objection made by any representative of any school of the clergy to that transfer of authority. In the following year—the year 1833—the Judicial Committee of the Privy Council was instituted, and that was merely establishing a special Court, consisting of certain members of the Privy Council, and from 1833 to 1840 I do not know whether there were any cases: but if there had been any ecclesiastical cases they would have come before the Judicial Committee of the Privy Council as then constituted. In the year 1840 the Church Discipline Act was passed through Parliament, and passed through Parliament under very remarkable circumstances. It abolished altogether any authority for dealing with the offences of clergy against the laws of the Church except that which was constituted by the Church Discipline Act. It was one of the most important Acts ever passed by Parliament. It was brought into the House of Lords, and it was

proposed by the Lord Chancellor. The Archbishop of Canterbury of that day said that on behalf of the clergy he gave his cordial approbation to the Bill, and the Bishop of Exeter of that day, who was not a specimen of the extreme Evangelical party, said that he entirely and heartily concurred in the Bill. My Lord, that Bill passed the House of Lords upon the second reading without a division. It passed through the House of Commons sub silentio. There was not only no division on the second reading, but there was no debate on the second reading. The clause of that Act which related to appeals contained these words: "The appeal shall be to the Queen in Council, and shall be heard before the Judicial Committee of the Privy Council." So far as it was possible for Parliament to act with the resolute and unanimous concurrence of the Church in the work that it was doing, it did so when it was passing that Act. By a section of that Act it was provided that every Archbishop and Bishop should be a member of the Judicial Committee of the Privy Council in ecclesiastical matters, but that only one need be present. Curiously enough, the objection which was made thirty years after to the presence of the Archbishop and the Bishops as members of the Court was an objection that came from the High Church party. It came very strongly indeed from Bishop Wilberforce, as will be noted by those who read his life; and in the year 1876, when the Appellate Jurisdiction Act passed, the Archbishops and the Bishops ceased to be members of the actual Judicial Committee of the Privy Council; but by the regulations which were made under that Act in the month of November, 1876, it was provided that the Archbishop of Canterbury, the Archbishop of York, or the Bishop of London should be ex-officio assessors when ecclesiastical cases were heard, and that four other Bishops should sit as assessors, to be taken on an arranged rota. That is the tribunal which now deals with the question of ecclesiastical appeals.

There was one more recognition of its authority which is not an unimportant one. In 1874 the Public Worship Bill was brought into the House of Lords by the Archbishops and the Bishops. It was proposed by the Archbishop of Canterbury, with the unanimous assent of the Bishops, and prepared under the authority of the Bishops after communication with Convocation and discussions by Convocation. In the Public Worship Act there is again a provision that the appeal shall be made to the Judicial Committee of the Privy Council. So far as I can see, historically there can be no doubt that this Judicial Committee of the Privy Council represents with full authority the jurisdiction which the Crown. through its established Courts, has exercised for three centuries and a half, that is, as long as this branch of the Church has existed in its reformed condition. I can see no ground historically for question of the authority of this tribunal, and I must confess that I think that the suggestion which is now being so freely made, that clergy would be justified in resisting upon grounds of conscience the decisions of this tribunal, is one which finds no sanction in anything connected with its history; nor, I would venture to say, in anything connected with its action. Of course, my Lord, when we speak of its being to the interest of the Established Church, we do not speak of the interest of the Church as an Establishment merely. I speak, of course, of the interests of the Church with a very much larger meaning than that. But we must remember what is the principle upon which this tribunal acts. That principle has been laid down in very definite terms indeed, and it is this: "This Court has no jurisdiction or authority to settle matters of faith, or to determine what ought in any case to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the doctrine of the Church of England upon the true and legal construction of the Articles and Formularies." The authority of this tribunal is justified by

its history and by the assent at various periods of its history of the Church itself to its authority over these matters, and it has to deal with the questions which come before it in conformity to such a rule as I have just read, a rule the enforcement of which is clear. and the interpretation of which does not involve the necessity of any spiritual persons being members of the tribunal. I would, my Lord, go one step further and say that I think that history has shown that the administration of the law by the Judicial Committee has been for the advantage of the Church of England. Of course there have been several very remarkable decisions given which have excited the anger and the alarm alternately of the different sections of the Church of England. I need not mention them. Anybody will recall at once three cases—one where the Evangelical section of the Church of England was greatly angered, and one where the members of the Broad Church complained that they were being driven, or were likely to be driven, out of the folds of the Church by the prosecution of one of their members before the Judicial Committee of the Privy Council. I would like to say this, that although there has been great anger and complaint by different parties in the Church at different times on account of judgments of the Judicial Committee of the Privy Council, I believe that, taking all those judgments together, they have tended to ensure the comprehensiveness of the Church; and I do not myself believe that if we attempted to create another tribunal, in which the party for the moment dominant in the Church might have a more direct and more effective authority, it would be to the advantage either of the fair and true interpretation of the law or to the advantage of the comprehensiveness of the Church. My Lord, I thought it my duty to attend this Meeting for the reason which I have stated. I am glad that you have given me the opportunity, in moving this Resolution, of saying a few words on what I believe to be a very important question.

ROMANISM IN THE CHURCH OF ENGLAND

Four Letters reprinted from The Times (with Preface), 1910

PREFACE

THE letters which are here reprinted were called forth by the action of the Bishop of Winchester in vetoing a prosecution under the Public Worship Act which some parishioners of St. Mary, Thorpe, desired to institute. The spread of Romish doctrine in the Church of England and of Romish practices in her public services has during the last ten years been very rapid, and it has been encouraged by the sympathy or the indifference of some of the Bishops. But it has been supposed that in flagrant cases, such as that of Thorpe, the laity could find protection for their unquestioned rights in a resort to the Courts, lay and spiritual, which have authority in ecclesiastical causes.

This was the last defence of the Protestant character of the Church of England, and this defence has been taken away by the action of the Bishop of Win-

chester.

I am striving to arouse my fellow-countrymen to the prompt and resolute action by which alone they can defend their National Church against the treason by which it is being undermined, and I have pointed out in my third letter what seem to me the most effective methods. I trust that every loyal member of our Church who reads these letters will make a firm resolve not to be found wanting in this hour of her utmost need.

EDWARD CLARKE.

ROMANISM IN THE CHURCH AND THE BISHOPS' VETO

To the Editor of "The Times"

SIR,—I beg you to allow me to draw public attention to some recent occurrences which appear to me to deserve the serious consideration of all Englishmen. I do so in phrases carefully chosen, that they may not go beyond the necessities of the case. But I think the action of the Bishop of Winchester makes it imperative that all Churchmen who desire to maintain purity of faith and practice in the Church of England, and all Englishmen, whether members of the Church of England or not, who are true to the principles of the Protestant Reformation, should speak and act with promptness and with vigour.

The main facts can be very shortly stated.

For seven years Mr. Gordon Coombe, a London wharfinger, residing at Thorpe, a rural village near Staines,

has been vicar's churchwarden of that parish.

At the commencement of each year of office he made a declaration in the prescribed form that he would faithfully execute the office of churchwarden and would "present such persons and things as are presentable by the Laws Ecclesiastical of this Realm."

In 1907 a new vicar came to the parish and gradually introduced vestments and ceremonies which eventually changed the outward character of the service from that of the traditional service of the Church of England to

that of the Romish Mass.

In September, 1909, in fulfilment of the promise made in his declaration, Mr. Gordon Coombe sent to the Bishop of Winchester a presentment showing that the vicar had broken the Laws Ecclesiastical in respect of twelve specified practices which had been judicially condemned as illegal by the King's Ecclesiastical Court. The presentment set forth ten other irregularities, some of which had also been judicially condemned.

A correspondence followed, and it was not until four months after the presentment that the Bishop gave his answer to it.

He states that he had requested the vicar to desist from certain practices and had received his promise to do so. Of these practices, four in number, one was the practice of solitary communions. The other three were: (1) the sign of the Cross at the Benediction; (2) the usage of the lavabos; and (3) the undue elevation of the paten and chalice. As to the other grave

illegalities the Bishop gave no direction at all.

Thus refused protection, Mr. Coombe took legal advice as to taking proceedings under the Public Worship Regulation Act, and while the representation required under that Act was being prepared an important and significant incident occurred. On Sunday, February 20, the vicar preached a sermon in the parish church in which he taught quite categorically the dogma of Transubstantiation according to the terms of the Roman Church. About the same time Mr. Coombe forwarded to the Bishop a copy of a catechism introduced by the vicar into the Sunday School, which contained a form of confession, "I confess to God Almighty, the Blessed Mary, and all the Saints, and to you, my father, . . . wherefore I beg Blessed Mary and all the Saints, and you, father, to pray for me to the Lord our God. Amen"; a hymn beginning "Ave Maria," and a book of devotion called The English Mass.

The Bishop wrote to the vicar, and on a later Sunday he closed his sermon by recanting his former teaching

of Transubstantiation.

On May 12, 1910, a representation under the Public Worship Regulation Act, signed by three parishioners, charging the vicar with illegal practices, was presented to the Bishop, and in the ordinary course of the proceedings under that Act the representation would, after a prescribed interval, have been transmitted to the

Archbishop of Canterbury, and he would have required the vicar to make a succinct answer to the representation, and in default of such answer its truth would be deemed to be admitted and judgment would follow.

But on May 30 the Bishop vetoed the prosecution.

The reasons are thus stated:—

"1. That the representation refers in part to matters which at the present moment are being carefully considered in the House of Convocation, as directed by Letters of Business from the King, and that it would, in our opinion, be undesirable that at the present juncture these particular matters should be made the subject of litigation.

"2. That litigation in regard to other matters specified in the representation, some of which are of minor importance, would, in our opinion, be prejudicial to the best interests of the Church as a whole and to the

spiritual welfare and peace of the parish.

"3. That the incumbent has loyally complied with requests which we have made of him to discontinue certain practices of which complaints had been made to us and of which we expressed our dis-

approval."

În presence of these facts I feel that I am under a special obligation of duty. Just six years ago I was appointed by the late King one of a body of Royal Commissioners who were instructed to "inquire into the alleged prevalence of breaches or neglect of the law relating to the conduct of Divine service in the Church of England." That Commission held 118 sittings, and after more than two years of continuous and anxious labour a unanimous report was presented to the Sovereign.

Among those who signed that report were Lord St. Aldwyn, the Archbishop of Canterbury, the Bishop of Oxford, the Rev. E. Gibson (now Bishop of Gloucester), the Rev. T. W. Drury (now Bishop of Sodor and Man), the Lord Chief Justice, and Sir Lewis Dibdin, the Dean of Arches. That report should be in the hands of all

who attach any importance to purity of faith and practice in the Church of England. I beg you to give me space to quote three paragraphs which are directly relevant to the conduct of the Bishop of Winchester in condoning and protecting the illegal practices at St.

Mary Thorpe:—

"The judgments of the Privy Council, as has been pointed out by Lord Halsbury, who agreed with and explained an earlier utterance by Lord Cairns, are open to reconsideration by the Court itself, which will not only look carefully at the fresh light of facts not laid before it on a previous occasion, but will also examine the reasons upon which the previous decisions rest and give effect to its own view of the law. This, however, cannot be considered as affecting the authority which these decisions have as the latest judicial interpretation of the rubrics. (Page 10.)

To bar the entrance to a Court of Justice and to deny a man who has a complaint the opportunity of stating it before the only tribunal which can give him redress is so grave a matter that in our opinion the abolition of the Episcopal veto is desirable, if it can be accomplished without risk of injustice. (Page 70.)

We think, however, that occasions have arisen more often than has been realized by the Bishops when the interests of the Church and her due administration demanded that discipline should be enforced by action in the Ecclesiastical Courts. The deliberate persistence in spite of a Bishop's monition in practices significant of teaching repudiated by the Church of England ought to be met by an attempt at least to assert in a constitutional way the Church's claim to obedience. If such attempts failed the case for the reorganization of the Ecclesiastical Courts would be strengthened. But the fact that reforms are needed is not an adequate reason for allowing defiant lawlessness to go unchecked pending their adoption. Among the practices which we have already distinguished as being of special gravity and significance will be found the following:—

The interpolation of the prayers and ceremonies belonging to the Canon of the Mass. (Page 75.)."

The interpolation of these prayers and ceremonies is one of the illegal practices protected by the Bishop of Winchester in the case of a vicar who to his knowledge has used the pulpit and the school for teaching the distinctive doctrines of the Roman Church.

I am, Sir, faithfully yours,

EDWARD CLARKE.

THORNCOTE, STAINES, June 9.

To the Editor of "The Times"

SIR,—On the 10th inst. you were good enough to publish a letter in which I called public attention to the recent refusal of the Bishop of Winchester to allow a prosecution to be instituted in the Ecclesiastical Courts against the vicar of the parish of St. Mary, Thorpe.

The statements I made in that letter have not received any contradiction or correction either in your

columns or anywhere else.

Will you allow me very briefly to restate them? A churchwarden who had on taking office made the prescribed declaration that he would present to the Bishop "such persons and things as are presentable by the Laws Ecclesiastical of this Realm," finding that the vicar introduced and persisted in illegal practices in the services at the parish church, made, in September, 1909, a presentment to the Bishop of Winchester setting out 22 particulars in which the law was being broken.

In January, 1910, the Bishop replied to the presentment saying that in respect of four of the practices complained of (three of the four being unimportant) he had requested the vicar to discontinue them. As to the rest the Bishop appears to have made no request and the vicar made no promise. Shortly afterwards it was brought to the Bishop's knowledge that the vicar

had preached a sermon in the parish church teaching in definite, and indeed in technical, terms the Romish doctrine of Transubstantiation; and that he had introduced into the Sunday School a catechism containing prayers to the Virgin Mary, a hymn beginning "Ave Maria," and a book of devotion called *The English Mass*. The churchwarden, obtaining no redress from episcopal action, joined two other parishioners in making, on May 12, a representation under the Public Worship Regulation Act in respect of eight practices the illegality of which cannot be disputed. On May 30

the Bishop vetoed the prosecution.

There is one other fact which I think should now be added. On August 21, 1909, a month before making the presentment, the churchwarden had written to the vicar specifying and complaining of the illegal practices, and asking for an assurance that they would be discontinued. On August 25 the vicar replied: "I am not concerned with the legality or illegality of the practices complained of in your letter of the 21st inst., as I do not for one moment recognize the right of the Civil Courts to legislate in Church matters. With regard to the 'unwarranted innovations,' you are quite at liberty to write to the Bishop of the diocese if you think fit." Here is a complete case of confessed illegalities being tolerated and protected by the Bishop, and I am resolved as far and as often as opportunity is given me to press it upon the attention of Parliament and the country until some redress is given to those who are deeply wronged.

For indeed the Bishop has done a grievous wrong, not only to the parishioners of Thorpe, who are entitled to have the services of the parish church performed according to the established law of the Church of England, but to all loyal Churchmen throughout the country. For if this goes unchallenged, who is safe? What one Bishop does another may do, and there ceases to be in the Church of England any effective law of any kind. What have Protestant Churchmen

done that they should be compelled to submit to Romish defilements in their Church services by a Bishop who when he was consecrated solemnly promised to "correct and punish according to such authority as he would have by God's Word, and as to him should be committed by the Ordinance of this Realm, such as should be unquiet, disobedient, and criminous within his diocese?"

And why should parishioners making just complaint be beaten back by the pastoral staff from the doors of the Ecclesiastical Courts? I have heard it suggested that the action of the Bishop in this case is the result of an agreement come to by the Bishops that no prosecutions for illegal ritual shall be allowed. It is hardly credible that this should be the case.

Such an agreement would be in itself unlawful; and, if it could be shown that it was in pursuance of such an agreement that a Bishop vetoed a prosecution, the King's Bench would be entitled to interfere.

But assuming, as I am bound to do, that no such agreement exists, and that the Bishop of Winchester's decision is his own individual act, its consequences are very serious. In the first place, it operates as a licence to all the clergy in the great diocese of Winchester to do what they please in the matter of illegal Ritualistic practices.

This case of Thorpe is so clear and so flagrant that if protection is given by the Bishop to this offender it would be gross injustice for the same protection to be refused to any other. So the effect is to give a licence to all.

But in the next place the reason given by the Bishop for his veto makes his action the more serious. He says, as to the principal matters complained of, that they "are at the present moment being carefully considered by the House of Convocation, as directed by Letters of Business from the King, and that it would be undesirable that at the present juncture these particular matters should be made the subject of litigation." If this reason holds good, we have a final and permanent

abandonment of law and order in the Church. It is true that the question of Prayer Book revision, including the use of vestments, is before the Houses of Convocation (there are two Houses, not one), and there it is likely to remain. Why should clerical law-breakers seek to alter the law if the Bishops allow them to act as though it had already been altered in their favour?

And this is the point on which I feel most strongly. It seems to be supposed that the report of the Royal Commission in some way sanctioned or suggested the idea of thus suspending all disciplinary action, and all legal remedies for illegal action, until the Houses of Convocation had agreed, and Parliament had given

effect to that agreement.

No such absurd idea is to be found in our report. I quoted in my last letter three passages from the report, in which we upheld "the authority of the latest judicial interpretation of the rubrics," and expressly pointed out that "the fact that reforms are needed is not an adequate reason for allowing defiant lawlessness to go unchecked pending their adoption." But we went further than that with regard to certain practices "of special gravity and significance," the first of which was "the interpolation of the prayers and ceremonies belonging to the Canon of the Mass." That is one of the illegal practices of the vicar of Thorpe.

As to these we said: "We desire to express our

As to these we said: "We desire to express our opinion that these practices should receive no toleration; and that, if episcopal directions for their prevention or repression are not complied with, the Bishops should take or permit coercive disciplinary action in

the Church Courts for that purpose."

The Archbishop of Canterbury signed that declaration of opinion, and it is one of the Bishops of his province who has vetoed this prosecution.

I am, Sir, faithfully yours,

EDWARD CLARKE.

THORNCOTE, STAINES, June 24.

To the Editor of "The Times"

SIR,—On June 10 and again on June 25 you were good enough to give me space to draw attention to the recent action of the Bishop of Winchester in vetoing the prosecution of the Vicar of Thorpe for illegal practices in the services in the parish church.

I declared that the Bishop had done a grievous wrong, not only to the parishioners of Thorpe, but to all loyal Churchmen throughout the country; and I urged that it was the duty of all Churchmen who desire to maintain purity of faith and practice in the Church of England, and of all Englishmen, whether members of the Church or not, who are true to the principles of the Protestant Reformation, to speak and act with promptness and vigour.

The statements of fact which I made in those letters have not been questioned. The direct and serious charge which I made has met no explanation or defence or excuse. Now the matter passes to another stage; the grievance is established, and I trust I shall have

your help in endeavouring to secure redress.

Many letters have come to me on this subject, all, with one curious exception, being letters of sympathy and gratitude for the work I am undertaking, and in some of them I am asked what practical steps I now suggest. Will you allow me to answer that question

in your columns?

I first point out the duty of the individual. In every case where a loyal Churchman finds illegal practices introduced into the services of his parish church he should write three letters—one to the vicar complaining of his action; one to the Bishop appealing to him to cause the illegalities to cease; one to his representative in the House of Commons, asking him to do all in his power to enforce the maintenance of law and order in the Church of England.

Unless an aggrieved parishioner does at least this, he

is himself in some measure responsible for the illegalities

by which he is offended.

In the next place, no loyal Churchman should give a single shilling, whether in a collection or by direct contribution, to either of the Diocesan Church Funds from which grants are made to churches or mission-halls where these practices are permitted.

Thirdly, every Protestant Churchman should enrol himself in one of the societies which are endeavouring to check this serious and growing mischief. I have myself joined the National Church League, as I believe it is doing useful work in this direction on sound and moderate lines.

These are individual acts which can be done at once, but there are before us methods of collective action

which must not be neglected.

At Easter next the assembly of the parish vestries will give Churchmen an opportunity of securing in every parish that one at least of the churchwardens shall be a man who can be trusted to use all his powers to cause the law to be obeyed in the conduct of the services in the parish church, and who will in the discharge of his duty make formal complaint to the Bishop of any illegal practices.

A curious and singular change was made this year in the form of the Churchwardens' Declaration in the Surrey Archdeaconry of the Diocese of Winchester. The Declaration made from year to year by incoming churchwardens (made by Mr. Gordon Coombe when, in

1909, he was appointed to the office) was-

"We declare that we will truly and faithfully and to the best of our skill and knowledge execute the office of churchwarden within our parish, and that we will present such persons and things as are presentable by the laws Ecclesiastical of this Realm."

At Easter, 1910, the form was altered and the Declar-

ation ran :-

"We the undersigned do hereby declare that we will faithfully and diligently perform the duties of the

office of churchwarden according to the law to the best of our skill and knowledge."

The presentment by Mr. Coombe which had been made during the year was no doubt inconvenient; but declaration or no declaration, no churchwarden desiring to do his duty faithfully will refrain from complaining to the Bishop wherever such illegalities are practised as were the subject of Mr. Coombe's presentment.

I have little doubt that we shall be able in good time before next Easter to organize concerted action on the part of Protestant parishioners which will make 1911 a date to be remembered in our Church history; and I hope the same year may see a vigorous movement to use the election of Houses of Laymen, Diocesan Councils, and the rest for the purpose of demonstrating the determination of English Churchmen that the laws of Church and State shall be maintained.

But there is yet a more effective means of obtaining redress for this grievance, and that is by an appeal to the House of Commons. It is there that at any time, and especially now, the Protestant feeling of the nation can find its strongest expression, and I trust that before the end of this year it may be possible to secure a full debate upon the question which has now become so acute.

The first thing for Protestant Churchmen who are members of the House of Commons to do is to resolve that no Bill for increasing the number of Bishops shall pass into law. In our unhappy Church of England the fold is in as much danger from the shepherds as from the wolves, and to increase the number of shepherds will only add to the mischief. Again, there is no use, at least at present, in bringing in fresh Bills for amending the law with regard to ecclesiastical disorders. Under the rules of procedure which now cripple the House of Commons it is scarcely possible for any private member's Bill, even if uncontentious, to pass into law, and Bills for restoring law and order in the Church are always liable to be delayed and defeated by such a

discreditable trick as was resorted to on June 10 and prevented the discussion of the late Mr. McArthur's Bill.

In commenting on that incident, the *Church Times* of June 17, speaking of Mr. McArthur and his Bill, said: "Even if he succeeded in carrying it through both Houses nothing would be gained. It would fall as flat as another Act which, if it were really operative, would do all that Mr. McArthur requires."

There is much force in this observation of the Church Times that the Public Worship Regulation Act, if really operative, would suffice to prevent these illegalities, and that fact is the strongest condemnation of the Bishops who now obstruct its operation. A single resolution of the House of Commons will suffice to break down that obstruction.

I should like to recall to memory what happened in Parliament in the year 1899, when Sir William Harcourt had in some powerful letters published in your columns called attention to the spread of illegal practices and to the mischievous results of the existence of the Bishops' veto.

On February 9 in that year a debate took place in the House of Lords, and the then Archbishop of Canterbury made a declaration on behalf of the whole of the Episcopal Bench which had a great effect upon the public mind. He said:—

"Although we are all quite determined that we shall bring the ritual of the Church of England within its proper lawful limits, we appeal to the laity generally to give us time to go into the matter, and not to expect that because there has been this agitation in the course of two or three months the whole thing will be altogether changed. We cannot do it in the time."

On April 11 a debate took place in the House of Commons, and the following resolution was agreed to without a division:—

"That this House deplores the spirit of lawlessness shown by certain members of the Church of England and confidently hopes that the Ministers of the Crown will not recommend any clergyman for ecclesiastical preferment unless they are satisfied that he will loyally obey the Bishops and the Prayer Book and the law as declared by the Courts which have jurisdiction in matters ecclesiastical "

The last fourteen words of this resolution, those relating to the law declared by the Courts, were objected to by the same group who the other day prevented the discussion of Mr. McArthur's Bill, and Mr. Balfour, under pressure from that group, desired to leave that out. But the feeling of the House was too strong to be resisted, and they were added to the Resolution by a majority of 200 to 14, I being one of the tellers for the majority in the division.

A little later in the Session, on May 10, a Church Discipline Bill came before the House of Commons, and the Government procured its rejection by an amendment proposed by the Attorney-General (Sir R. Web-

ster), which ran as follows :-

"That this House, while not prepared to accept a measure which creates fresh offences and ignores the authority of the Bishops in maintaining the discipline of the Church, is of opinion that, if the efforts now being made by the Archbishops and Bishops to secure the due obedience of the clergy are not speedily effectual, further legislation will be required to maintain the observance of the existing laws of Church and State."

The Archbishop said two or three months would be too short a time for the work they had resolved to do. They have had eleven years. During that time they have seen these illegal practices spreading in almost every diocese; they have been appointing and promoting the very men whose extravagance they profess to deplore and promise to suppress. And now one of their number takes away the only remedy which remains.

We have trusted the Bishops too long, and if we trust them longer we shall be accomplices in their misdoing. The fact is that we have widespread treason in the ranks; some of the captains are asleep, and some are in league with the traitors; while the general, who seven years ago promised stern and drastic action, is busy with reforms of the Poor Law and conferences on International Peace, and takes no action to check the disorders which are spreading before his eyes.

The existing Episcopate cannot be directly controlled even by the authority of Parliament, but precautions can be taken with regard to their successors. The King appoints the Bishops. It is true there is a form of clerical election, but it is a mere form—and not a very edifying one. The King appoints, and appoints on the

advice of his Ministers.

The simple and effective way of remedying the evils to which in these three letters I have called attention would be the presentation of an address to the Crown by both Houses of Parliament, adopting the language of the Resolution of April, 1899, and praying the King not to appoint any person to the office of Archbishop or Bishop of the Church of England by law established in this Realm unless fully satisfied that he will obey, and use all his authority to enforce, the directions of the Prayer Book and the law as declared by the Courts having jurisdiction in matters ecclesiastical.

We have now a Prime Minister who has declared himself to be "a convinced and resolute Protestant." Such a resolution would strengthen his hands, not fetter them; and when disloyal and disobedient clerics, whether Bishops or minor clergy, found the avenues of promotion and preferment closed against them, and illegalities no longer protected by the Bishops' veto, the most effective step would have been taken towards the restoration of law and order in the Church

of England.

I am, Sir, faithfully yours,

EDWARD CLARKE.

ROYAL COURTS OF JUSTICE, July 26.

THE DIOCESE OF CHICHESTER: A STUDY OF DISORDER

To the Editor of "The Times"

SIR,—In a letter which you were good enough to publish on July 28, I wrote: "In our unhappy Church of England the fold is in as much danger from the shepherds as from the wolves, and to increase the number

of shepherds will only add to the mischief."

I did not expect that before a month had passed a complete example and proof of this statement would be given in your columns upon episcopal and clerical authority. But the Bishop of Chichester and the Rev. Arthur Cocks, by letters addressed to you have enabled me to set forward for the consideration of all English Protestants, and especially of English Churchmen, an illustration of the present condition of Church discipline in the diocese of Chichester.

Early in 1895 the Rev. Arthur Cocks was appointed vicar of St. Bartholomew's, Brighton, a living in private

patronage of the net value of £260 a year.

At this time Bishop Durnford was Bishop of Chichester. In June of that year Mr. Cocks began, in disobedience to the clear directions of the Book of Common Prayer, to reserve a portion of the consecrated elements after the service of Holy Communion. In July the Bishop forbade this, under penalty of proceedings in the Ecclesiastical Courts.

On August 5 Mr. Cocks wrote to the Bishop and said, "The Sacrament is reserved for the purpose of giving Communion to the sick, of which in a large parish we have a good many cases, and certain sudden cases of accident from time to time, together with accidents. I may add that at no time has there been any service in connection with the Reserved Sacrament, nor any celebration of the Holy Communion at this altar—viz., in the chapel where the Sacrament is reserved."

Four days later the Bishop replied saying that he was going away for his holiday and would deal with the matter on his return. Unfortunately, before the holiday was over Bishop Durnford died.

Mr. Cocks saw his opportunity. The see was vacant. True, he had given his assurance in writing. But the person to whom it was given was no longer living. He was in the position of Philip Hepburn in Mrs. Gaskell's Sylvia's Lovers, and he acted as Philip Hepburn did. To quote his own words, written to the present Bishop on the 4th of last month, "When, therefore, the particular issue was over" (this is his pitiful excuse to his own accusing conscience) "I began exposition, and encouraged people to go to the chapel, and have said Mass at the altar ever since, now about fourteen years, so that the circumstances are not the same, so that I could not feel bound in any way." Again, to quote his words:

"The Blessed Sacrament is taken either in a ciborium or monstrance, and put on a throne above the altar, surrounded by lights and flowers, while a watch is kept before it by a fixed rota, and others are encouraged to come and worship and pray, sometimes with suggested prayers, sometimes without."

In the year 1900 a decision was given to which it might have been expected that even Mr. Cocks would have shown some respect. The Archbishop of York, in his capacity of diocesan, the Bishop of Peterborough, and the Bishop of St. Albans had forbidden the practice of Reservation, and some of their clergy refused to obey, and it was proposed that the question should be submitted to the decision of the two Archbishops.

On February 8, 1899, a circular was issued by Lord Halifax to the members of the English Church Union, in which he spoke of this hearing by the Archbishops as "the only method by which we can hope to arrive at something like an exercise of true spiritual authority." The hearing took place in July, 1899, and on May 1, 1900, the decision was pronounced. The Archbishops

did not draw any distinction between Reservation for adoration and Reservation for the sick, but they declared that Reservation for any purpose was not within the rules of the Church of England.

It is worth while to quote the closing words of the decision of the Archbishop of Canterbury. Dr. Temple

said :-

"After weighing carefully all that has been put before us I am obliged to decide that the Church of England does not at present allow Reservation in any form, and that those who think it ought to be allowed, though perfectly justified in endeavouring to get the proper authorities to alter the law, are not justified in practising Reservation until the law has been altered."

On January 16, 1901, all the Bishops, with the exception of the Bishop of Sodor and Man, signed a joint letter to the clergy generally urging obedience to the

Archbishops' decision. The letter ended:-

"We entreat you to use all your influence to persuade those, we are thankful to know that they are few in number, who are regardless of our authority, to return to that obedience which alone can expect the blessing of God."

Decision and entreaty were alike disregarded by Mr. Cocks, and it is a disgrace to the Archbishops and Bishops that the flagrant illegalities at Brighton were allowed to continue for nine years longer without any

attempt to check them.

In 1907 Dr. Ridgeway was appointed to the See of Chichester, and it appears that as early as May, 1908, he was making inquiries of the clergy of some of the Brighton churches as to their services. A long correspondence followed, and it was not until two years later, in July, 1910, that a definite statement was made to one of the recalcitrants that unless he obeyed the Bishop's directions steps would be taken to compel him to do so. The threat was effectual, as it would have been at any time during the last fifteen years.

Mr. Cocks sent in his resignation, which took effect on August 28, and Mr. Hinde, of the Church of the Annunciation, has also resigned. It may seem strange to complain, as I do, that a Bishop who has just secured the disappearance from their livings of these two offenders is himself doing more injury to the cause of Church order and discipline than was done even by their long continued illegalities, but it was truly said in your leading article of September 1 upon Ecclesiastical Discipline that you "saw reason to fear that the triumph belonged to the apparently vanquished." I assume that the Bishop of Chichester will not be so weak as to allow any withdrawal of these resignations. That is desired by the party of disorder for obvious The Church Times of August 26 said very frankly :-

"Much trouble is in store for St. Bartholomew's parish if the vicar resigns it in the present circumstances. His successor will be hampered by difficulties from which Mr. Cocks has been free, thanks to the Bishop's reluctance to interfere. But now that his authority has been repudiated, he may, from sheer necessity, impose on Mr. Cock's successor conditions involving the abandonment of practices hitherto permitted, or at least tolerated, and the cause we all have

at heart will suffer in consequence."

But in any case the Bishop has gone far to undo any good which could follow his action by certain passages in the pastoral letter to his clergy which appeared in the June number of the *Chichester Diocesan Gazette*. In that letter he flouts judicial decisions as unreliable

and rubrics as inelastic, and then declares:—
"The only principle which meets the case is loyalty
to the spirit of Primitive and Catholic faith and

to the spirit of Primitive and Catholic faith and practice. This principle is clearly laid down in the first English Prayer Book of 1549, and has been ever since retained and repeated again and again. It is, in my judgment, the bed-rock of public worship in the Anglican branch of the Catholic Church in this

land, and by it the value of the services we use and the days we observe can, I maintain, alone be fairly tested."

This is strange language from a Bishop of the Church of England. What have we to do with the Prayer Book of 1549? It was not a Protestant Prayer Book. It was never more than an amended liturgy prepared for temporary use, pending the preparation of the Prayer Book of the Reformed Church, which was almost immediately put in hand and came into use in 1552, and remains, with very few and immaterial changes, the service book of our Church to-day, the embodiment of its faith and worship.

To go back to the Prayer Book of 1549 would be to

undo the chief work of the Reformation.

The Bishop of Chichester's language is as if the captain of one of our battleships were to tell his officers and crew that he meant to ignore Acts of Parliament and King's regulations and courts of law, and to govern according to the spirit of some old disused manual of naval discipline. Such a captain would soon be relieved of his command.

Here is a case in which the shepherd is doing more mischief than the wolves. He is breaking down the fences within which alone the flock is safe. The law of the Church of England, as contained in her Prayer Book and interpreted by the Courts having lawful authority, is the only safe guide for the rulers of the Church, the only protection for the Protestant laity of this country.

I am, Sir, your obedient servant,

EDWARD CLARKE.

THORNCOTE, STAINES, September 21.

CORRESPONDENCE

BETWEEN MR. GORDON COOMBE, ONE OF THE CHURCH-WARDENS OF THE PARISH CHURCH OF ST. MARY, THORPE, IN THE COUNTY OF SURREY, AND THE BISHOP OF WINCHESTER

September 30, 1909.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—I enclose a Presentment which I, as one of the Churchwardens of the Parish of St. Mary, Thorpe, feel it my duty to make with regard to illegal practices at the Parish Church.

I am, my Lord, Your Lordship's obedient Servant, Gordon Coombe.

A BILL OF PRESENTMENT made by the Vicar's Warden of the Parish of St. Mary, Thorpe, in the County of Surrey, before the Right Reverend the Lord Bishop of Winchester, on September 30, 1909.

I, the Churchwarden aforesaid, having duly considered

my duty, do present-

That the Reverend Somerville H. Lushington, the Vicar of the said Parish of St. Mary, Thorpe, in the County of Surrey, has repeatedly offended against the laws ecclesiastical by having been guilty of the following offences which have been judicially condemned as illegal by the King's Ecclesiastical Courts, viz.:—

By having, during the celebration of the Holy Communion, worn illegal ornaments, i.e. alb, maniple, stole, and chasuble.

By having, during the celebration of the Holy Communion, used lighted candles on the Communion Table, at times when such lighted candles were not required for the purpose of giving light.

By having, during the celebration of the Holy Communion,

ceremonially kissed the Gospel book.

By having, during the celebration of the Holy Communion, ceremonially mixed water with the Sacramental Wine.

- By having, during the celebration of the Holy Communion, ceremonially made the sign of the cross in the air over the congregation when pronouncing the Absolution and Benediction.
- By having, during the Prayer of Consecration, stood in such a manner as to hide the Manual Acts.
- By having, during the Prayer of Consecration, ceremonially elevated the Consecrated Elements above his head.
- By having, during the Prayer of Consecration, during the long post-consecration ritual interpolated by himself and strongly resembling the ceremonies of the Canon of the Roman Mass, and during the administration of the Consecrated Elements repeatedly genuflected before the Consecrated Elements as though they were the objects of his worship and entitled to receive Divine honours.
- By having, during the Prayer of Consecration, caused the Church Bell to be rung at the elevation of the Consecrated Elements.
- By having worn in Processions a cope and biretta.
- By having distributed Palms on Palm Sunday.
- By having celebrated the Holy Communion without Communicants.
- Also that the aforesaid Reverend Somerville H. Lushington has been guilty of the following irregularities, most of which have also been condemned as illegal:—
- By having, immediately before the celebration of the Holy Communion, engaged in a devotion shared in by the Server, and closely resembling the Roman Catholic Confiteor.
- By having, before and during the celebration of the Holy Communion, kissed the Communion Table.
- By having, during the celebration of the Holy Communion, made the sign of the cross on the Gospel book and triply on himself.

By having, during the Nicene Creed, knelt down at the *Incarnatus*, and signed himself with the cross at the close of the Creed.

By having, during the celebration of the Holy Communion, ceremonially washed his hands.

By having stood for the *Humble Confession* instead of "humbly kneeling upon his knees" as directed.

By having rendered the concluding part of the Prayer of Consecration inaudibly.

By having, after the cleansing of the Communion vessels, silently read the *Last Gospel* with the customary ritual of the Roman Mass.

By having caused to be put up at the West end of the Church of St. Mary, Thorpe, without obtaining a faculty for that purpose, a board with the following inscription: "Grant them, O Lord, eternal rest, and let light perpetual shine upon them." And by having allowed to be affixed to the said board a Funeral Card on which were the words: "Jesu, Mercy." "Of your charity pray for the repose of the soul" (of a certain deceased person) "Requiescat in pace."

By having, at Christmas, allowed to be introduced into the Church of St. Mary, Thorpe, without obtaining a faculty for that purpose, an image of the Saviour as an infant lying in a manger.

GORDON COOMBE, Churchwarden, St. Mary, Thorpe.

Farnham Castle, Surrey, October 4, 1909.

DEAR MR. COOMBE,-

I have just returned from abroad and write to acknowledge your note with the Presentment which you have forwarded to me. Am I to understand that this is a personal Presentment, or that it represents the result of a meeting of parishioners and a statement of general feeling?

I remain, my Dear Sir, Yours very faithfully,

HERBERT E. WINTON.

October 5, 1909.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—In answer to your note of yesterday's date I beg to say that the Presentment is made

individually by me as Churchwarden of the Parish.

At Easter last, on my re-appointment as Churchwarden, I made and signed a declaration that I would Present such Persons and things as are presentable by the Laws Ecclesiastical of this Realm, and it was in fulfilment of that undertaking that I forwarded the Presentment to your Lordship.

It does not represent the result of any meeting, and I am unable to make any statement as to general feeling with regard to the illegal practices to which I have now called

your Lordship's attention.

I am, my Lord, Your Lordship's obedient Servant, GORDON COOMBE.

Farnham Castle, Surrey, October 6, 1909.

DEAR MR. COOMBE,-

Many thanks for your kind reply. It will be my intention to make further inquiry. But, as my engagements during the next fortnight are very numerous and pressing, there must be some little delay in the matter.

With kind regards, I remain, Yours very faithfully, HERBERT E. WINTON.

October 8, 1909.

To the Right Reverend the Lord Bishop of Winchester.

My Lord Bishop,—I am in receipt of your Lordship's letter of 6th inst., and quite understand that upon your return to the Diocese you find many important matters requiring your attention, but I am sure you will recognize that the subject on which I have felt it my duty to make a formal Presentment is one that will not permit of post-ponement.

I am, my Lord, Your Lordship's obedient Servant,
GORDON COOMBE.

December 3, 1909.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—On September 30 last, as one of the Churchwardens of Parish of St. Mary, Thorpe, I made a Presentment of certain illegal practices at the Parish Church, and on October 6 your Lordship informed me that as your engagements for the next fortnight were very numerous and pressing there must be some little delay in the inquiries which required to be made. Eight weeks have now elapsed since that date and I feel bound to call your Lordship's attention to the importance and urgency of the matter and to beg that I may receive some answer to the Presentment.

I am, my Lord, Your Lordship's obedient Servant, GORDON COOMBE.

Farnham Castle, Surrey, December 10, 1909.

DEAR MR. COOMBE,-

I venture to write to you in reference to the points which you have laid before me in your Presentment. The matters with which they are concerned are obviously very different in importance. There are some which appear to me to be serious, and others which, though liable to give offence, are in themselves of no intrinsic importance.

Thus, it cannot be disputed that to Consecrate the Elements without any Communicants, is contrary to the spirit and letter of the Prayer Book. Nevertheless, if at the time of the Holy Communion there is a congregation, and the priest Consecrates and partakes himself, he has no certainty that any member of the congregation will come forward to receive. It is possible, therefore, for such an occurrence to take place without the Clergyman being in any way responsible. If, on the other hand, a regular practice or custom is introduced of solitary Communions, this practice is contrary to the teaching of the Church of England, and I should at once require its discontinuance. But the mere occurrence of such a thing once or twice might be quite accidental.

The signing of the Cross in the air at the time of the Benediction is illegal, as a ceremony which the Prayer Book has not enjoined. But my impression is that many good

men are unaware that it is illegal; and there is nothing

which is doctrinally wrong or misleading in it.

With regard to the mixing of the water with the wine, if it is desired, it should take place previous to the service. There is nothing doctrinally, here, misleading; and the custom, which was prevalent in Our Lord's time, is in itself innocent.

The Elevation of the Elements at the time of Consecration is illegal, on the ground that it is liable to suggest a teaching which the Church of England has repudiated.

With regard to the ringing of the bell. This is not, as I infer from your letter, the ringing of a Sacring Bell in the Sanctuary, and not, therefore, a ceremony; but is the ringing of the Church bell, for the purpose of intimating to sick people and others that the Service of the Holy

Communion is taking place.

With regard to a good many of the other points, kissing the stole, the Gospel, the Holy Table, etc., bowing and crossing; these things belong to the gestures and personal deportment of the officiating Clergyman. In reverence and decorum, some err by excess, and some by defect. I share the dislike which probably you feel for anything fussy, sentimental, or foreign in the most solemn service of our Church. The less ostentatious a man is, the more dignified will be his method of conducting the worship. But though I dislike, and am, I fear, liable to be irritated by, such little tricks of manner, I am inclined to regard them as secondary in importance, because they belong to the man's attitude and gesture, and are not capable of being strictly defined by rules. The general principle which, in my opinion, should regulate the deportment of the Clergy is that they should not, in the Service, make themselves or their attitudes conspicuous, at the risk of giving offence to members of the congregation or of making themselves ridiculous.

I am causing inquiries to be made; and I shall hope shortly to communicate again with you. I should be very glad if I find that Mr. Lushington will consent to modify some of his ritual at my request, though he should be unwilling to make any relaxation in his custom in deference to any other appeal.

With kind regards, I remain, Yours very faithfully,
HERRERT E. WINTON.

GORDON COOMBE, Esq.

December 21, 1909.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—I beg to acknowledge receipt of your Lordship's letter of 10th inst., and I shall await with some anxiety the further communication which your Lordship promises.

I note that your Lordship makes no reference to the wearing of Vestments, which have been declared illegal, but I trust that in this matter, as well as in respect of the other illegal practices set out in my Presentment of September 30 last, Mr. Lushington will obey, as he is bound to do, your Lordship's directions.

May I again urge upon your Lordship that it is important that the practices presented should be made to cease as

soon as possible.

I am, my Lord, Your Lordship's obedient Servant,
GORDON COOMBE.

Farnham Castle, Surrey, December 22, 1909.

DEAR SIR,-

The Bishop of Winchester has just left for a short holiday abroad and I will forward to him your kind letter of 21st inst. I may say that two days ago his Lordship addressed to the Vicar of Thorpe a letter upon the matters which you brought before the Bishop's consideration.

I am, Yours faithfully,

F. W. SPEAK,

Private Secretary.

GORDON COOMBE, Esq.

January 25, 1910.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—I beg to remind you that on September 30 last I made a Presentment of illegal practices at the Church of St. Mary, Thorpe, and that although four months have elapsed, I have received no assurance that your authority is being exerted to enforce obedience to the law.

A month has now passed since my last letter to your Lordship, and I think I am justified in feeling much aggrieved that these practices are being continued at my Parish Church and that the Bishop of the Diocese does not give me the protection which I have claimed at his hands.

I am, my Lord, Your Lordship's obedient Servant, GORDON COOMBE.

Farnham Castle, Surrey, January 26, 1910.

DEAR MR. COOMBE,-

I beg to thank you for your note of the 25th inst. I wrote to you just before leaving England at Christmas time; and I am sorry that, in the pressure of work and of correspondence since my return, I have not sent you another communication. In answer to the letter which I sent to Mr. Lushington, asking him to desist from certain practices which were contrary to the usage of the Church of England, he has sent me a letter undertaking to abstain from: (1) The sign of the cross at the Benediction; (2) the usage of the Lavabo; (3) the undue elevation of the Paten and Chalice. And he also undertook that he would do his best to stop the practice of solitary Communions. These things, as contrary to the usage of our Church (and, so far as solitary Communion is concerned, contrary to the spirit of the Prayer Book), I requested him to desist from.

I called his attention to certain other matters contained in your Presentment, which, as being gestures, and expressive of personal devotion, hardly came within the range of what could be controlled by law or authority. Concerning them, I wrote in my former letter to

you.

I did not request him to desist from the wearing of Vestments, on the ground that, on this most controversial question, it is clear that the division of opinion goes very deep, while inquiry in the Houses of Convocation is going forward. The subject is at the present moment being discussed: very great uncertainty prevails; and a large number of the Clergy who have adopted Vestments, have done so under the impression that it is the right and legally-required dress of the minister at the Holy Communion. While I do not share this opinion, I recognize the absolute

sincerity of those who do hold it. And while the matter is being regarded as still under discussion, I have no intention of putting pressure upon those clergy who have for many years adopted the Vestments, and have grown accustomed to them. I do not myself attach the importance which apparently is attached by disputants on one side and the other, to the subject of clerical uniform. And I regret that arbitrary theories of symbolism which have grown up in connection with the dress of the Clergy, should be allowed to confuse men's judgment upon the interpretation of the Church's obscurely-worded regulation.

I am, my Dear Sir, Yours very faithfully, HERBERT E. WINTON.

GORDON COOMBE, Esq.

January 31, 1910.

TO THE RIGHT REVEREND THE LORD BISHOP OF WINCHESTER.

My Lord Bishop,—I am in receipt of your Lordship's letter of the 26th inst., and am much disappointed at its contents. In my Presentment of September 30 last, I made complaint of twelve different practices at the Parish Church of which I am one of the Churchwardens, all of which have been declared illegal by the Courts having jurisdiction in matters ecclesiastical, and I also set out ten other minor but not unimportant irregularities. Your Lordship now, after the lapse of four months, informs me that the Vicar has promised to abstain from two of the twelve illegal practices and from one of the irregularities, and that from these and from one other clearly illegal practice, your Lordship has requested him to desist.

The other practices complained of are apparently to continue without any check or reproof from your Lordship. In these circumstances I must take advice as to the best means of obtaining from the Ecclesiastical Courts the protection which is denied me by the Bishop to whom, in discharge of my duty as Churchwarden, I have made complaint.

I am, my Lord, Your Lordship's obedient Servant,
GORDON COOMBE.

PUBLIC WORSHIP REGULATION ACT, 1874.

TO THE RIGHT REVEREND FATHER IN GOD HERBERT BY DIVINE PERMISSION LORD BISHOP OF WINCHESTER.

We, Gordon Coombe, William Charles Scott, and James Butler, three Parishioners of the Parish of St. Mary, Thorpe, in Your Lordship's Diocese, Do Hereby Represent as follows:—

- 1. That the Rev. Somerville Henry Lushington, the Incumbent of St. Mary, Thorpe, the Parish Church of the said Parish, has within the preceding twelve months used or permitted to be used in such church the following unlawful ornaments of the minister of the Church.
 - (a) At the 10 a.m. celebration of the Holy Communion on Sundays the 25th July, 1909, and 13th March, 1910, and the 8 a.m. and 10 a.m. celebrations on Sundays the 10th and 24th April, 1910, respectively, and at the 10 a.m. celebration on Sunday the 8th May, 1910, and at the celebrations on many other Sundays within the said period, an alb, maniple and chasuble.
 - (b) At or following the evening service on the 29th September, 1909, and the 1st May, 1910, and at or preceding the 10 a.m. celebration of the Holy Communion on the 8th May, 1910, and on many other occasions within the said period, in and during processions to and from the choir vestry and the Chancel (such processions being part of the services), a cope.
- 2. That the said Incumbent has within the preceding twelve months failed to observe the direction contained in the Book of Common Prayer relating to the performance in the said Church of the services, rites and ceremonies ordered by the said Book in the following particulars:—
 - (a) By having during the Prayer of Consecration at the 10 a.m. celebration on Sundays the 25th July, 1909, and 13th March, 1910, and at the 8 a.m. and 10 a.m. celebrations on Sundays the 10th April and the 24th April, 1910, at the 10 a.m. celebration on Sunday the 8th May, 1910, and at the celebrations on many other Sundays within the said period stood in such a manner as to prevent the manual acts from being visible to the communicants.

- (b) By standing during the General Confession in the service of Holy Communion on the same occasions.
- 3. That the said Incumbent has within the preceding twelve months made or permitted to be made at the said Church the following additions to or alterations from the services, rites and ceremonies ordered by the Book of Common Prayer:—
 - (a) At the celebrations of Holy Communion referred to in paragraph 1 (a) hereof he has ceremonially mixed water with the wine in and as one part of the service.
 - (b) At the celebrations of Holy Communion lastly hereinbefore referred to (but with exceptions hereinafter specified) the said Incumbent has added the following parts of services, rites or ceremonies to the Communion Service:—
 - (I) At the beginning of such service certain prayers with responses by the server taken from the ordinary of the Roman mass or other extraneous services and known as the "Confiteor" except at the celebrations of the Holy Communion at 8 a.m. on 10th April, at 10 a.m. on 24th April, and at 10 a.m. on 8th May respectively.
 - (II) Ceremonially kissing the Holy Table and as part of the said service after the Prayer of Consecration in the same service.
 - (III) Ceremonially kissing the Gospel Book after the reading of the Gospel.
 - (IV) Between the end of the Prayer of Consecration and delivery of the Communion to the people the ceremonial use of genuflexions, bowings, crossings, and other gestures so interpolated as to form part of and delay the said service.
- 4. That in the said Church the following addition to the ornaments or furniture thereof has been made by or under the authority of the said Incumbent without lawful authority and/or the following decoration forbidden by law has been introduced by him or under his authority into such Church:—
 - (a) An image of The Saviour as an infant in a manger introduced on or immediately before Christmas Day,

1908, and shown with lighted candles around it on that day and again on Christmas Day, 1909, and the two following Sundays at all or some of the public services.

Dated this 12th day of May, 1910.

(Signed) GORDON COOMBE.
WILLIAM CHARLES SCOTT.
JAMES BUTLER.

Address to which documents and notices for the Complainant may be sent: Day & Son, 2, Millbank House, Westminster, S.W.

GORDON COOMBE.
WILLIAM CHARLES SCOTT.
JAMES BUTLER.

THE DIOCESAN REGISTRY OF WINCHESTER PUBLIC WORSHIP REGULATION ACT, 1874

In the matter of the Representation of Gordon Coombe, William Charles Scott and James Butler, three Parishioners of the Parish of St. Mary, Thorpe, made in pursuance of the provisions of the Public Worship Regulation Act, 1874, in which The Reverend Somerville Henry Lushington, Clerk, Vicar of St. Mary, Thorpe, in the Diocese of Winchester, is the person complained of.

We, Herbert Edward, Bishop of Winchester, having in pursuance of the provisions of the Public Worship Regulation Act, 1874, considered the whole circumstances attending the above representation, are of opinion that proceedings should not be taken thereon for the following reason:—

1. That the representation refers in part to matters which at the present moment are being carefully considered by the House of Convocation as directed by Letters of Business from the King, and that it would in Our opinion be undesirable that at the present juncture these particular matters should be made the subject of litigation.

- 2. That litigation in regard to other matters specified in the representation, some of which are of minor importance, would in Our opinion be prejudicial to the best interests of the Church as a whole and to the spiritual welfare and peace of the Parish.
- 3. That the Incumbent has loyally complied with requests which We have made of him to discontinue certain practices of which complaints had been made to Us and of which We expressed Our disapproval.

Dated this thirtieth day of May One thousand nine hundred and ten.

HERBERT E. WINTON.

ILLEGAL VESTMENTS

A SPEECH AT THE FIRST MEETING OF THE LAYMEN'S COMMITTEE, QUEEN'S HALL, 9TH FEBRUARY, 1912

LADIES AND GENTLEMEN,—There are two questions that may be reasonably asked about this meeting. Why is this meeting held? Why is Sir Edward Clarke in the chair? I would like, in the first place, to answer the first of those questions. I dare say that most of you know that in 1910 I wrote certain letters to The Times newspaper, which have been widely published, moved thereto by the grievances of my fellow-Churchmen in the parish which is next to that in which I live. The people of Thorpe were afflicted by a vicar of the new type, and were driven from the church in which they had felt happiness in worshipping, and I wrote letters to The Times upon the subject. Letters to a newspaper, however important, did not seem to me to fulfil the duty which I had to perform, so I joined the National Church League, which is under the able guidance of my old and most venerated friend the Dean of Canterbury. And for the last year and a half I have tried to do my duty as representing that Society, speaking in different parts of the country. I have spoken at Manchester, at Liverpool, at Birmingham, at Nottingham, at Bristol, at Streatham, at Hampstead, and I think in some other places. I have endeavoured, with the aid and in the name of the National Church League, to set forward what I believe to be not only the sound, but the right and consistent, policy for the loval members of the Church of England. But

I must admit that, successful as those meetings have been, I have at each meeting felt myself a little hampered and fettered by the fact that I was representing one Society. It was a great Society, a most valuable Society, but the cause in which we are embarking is one which cannot be committed to any single Society. There are many societies of great authority and great activity which are working in this cause, but it is difficult to unite them as societies in concerted action : and there are a great many Churchmen who do not associate themselves with the aims or methods of either of those societies, but yet are willing to take their share of the work of Churchmanship in this direction. And so I thought it would be well to go outside the bounds of any single Society, and to form a Committee in which every member of every one of those societies could take his place and have his work, and which would be able on perhaps somewhat larger and more general lines to appeal to the people of this country. And so I formed what is called the Laymen's Committee. It is not a new Society in the ordinary sense. We do not ask from those who give their names to it any regular subscription. It is rather a muster-roll of the laymen of this country, who are content that their names should be registered as men who are willing at any moment to be called upon to take public or private action in the direction in which we are moving. And in dealing with that Committee, or proposing that Committee, there was another matter that was in my mind. In all the societies which at present exist and are at work, of course the clergy of this country find their place. But in the movement which we are inaugurating now. I think it is the laymen who ought to take upon themselves the burden of the work. We must understand what difficulty the clergy are in. It is very repugnant to the feelings of a beneficed clergyman that he should take up action hostile to those whom he has been taught to speak of as "Fathers in God."
For the most part, the beneficed clergy think—and

rightly think-that their work as pastors should be done in diligent ministry to their people, and in the conduct, according to law and accustomed usage, of those services of the Church to which they invite all Christian men and women who are within their parish. And when one turns to the unbeneficed clergy their case is a harder one. There are, unhappily, dioceses in this country where an Evangelical Protestant curate not only gets no encouragement, and no hope of Episcopal promotion, but into which he is scarcely admitted. There is one diocese, the diocese of Chichester, in which the Bishop insists that when a man comes forward for ordination as priest he shall carry on his arm a folded white stole, which, at a certain portion of the ordination, the Bishop takes from his arm and places round his neck-a ceremony absolutely unjustified by the Prayer Book, and absolutely illegal as a requirement of the Bishop. But with these unbeneficed clergy, who are looking forward to the employment of their lives in the ministry of the Church, it would indeed be cruel to ask them at the very outset of their work to set themselves in public opposition to the Bishops.

But the work has to be done. Who is to do it? The answer is that the laity shall do it. And I for one do not think there will be any difficulty in finding laymen to come forward in this work. Now I thought it right thus to appeal to the laity, and I appeal to the whole laity. This is not a sectional organization, or a sectional work. It does not represent one section only in the Church. The Church of England has rightly been described as "Catholic, Apostolic, Reformed, Protestant." We cannot consent to give up any one of those words. I have always refused to permit to be applied to myself, and I have always been very chary indeed in applying to others, either of those names which indicate a particular school of thought in the Church, and so limit one's Churchmanship. Low Churchmen, Broad Churchmen, High Churchmen. I will have none of them. I am a Churchman, and am

content with that; and in the long list of names which now we have for the Laymen's Committee there are men who represent each section of the Church. We will not limit our organization, we will not limit our Committee, and though men may differ in their opinions, though they may differ in the methods which they would desire to adopt, at all events now, and as long as I have anything to do with the Laymen's Committee, it will be a fact that there is no distinction of Churchmanship amongst us. We are loyal Churchmen, who desire to assert and insist upon our right to have

the Church governed according to law.

Now, having so far explained how this Laymen's Committee comes to be established, I will next explain why I take the chair to-night. I take the chair to-night because I was a Royal Commissioner. A commission was issued to me as to the others, and the commission was that I should "inquire into the alleged prevalence of breaches or neglect of the law relating to the conduct of divine service in the Church of England, and the ornaments and fittings of churches"; and that I was to "consider the existing powers and procedure applicable to such irregularities, and to make such recommendations as may be deemed requisite for dealing with the aforesaid matters." I served on that Commission for two years. I gave to it two days every week-time which I suppose was valuable, but which, as I thought, could not be better used than in the service of the Church. I did investigate, and I joined with the other Commissioners in making recommendations, and it is because not only have those recommendations not been acted upon, but because the very recommendations we made have actually been made the excuse, the pretext for forcing illegalities upon the Church of England, that I am here, and claim to be in my right place, as Chairman of this meeting.

My commission did not end with those meetings spread over two years. I cannot discharge myself of the responsibility which was given to me when I ac-

cepted the appointment on that Commission, and please God, as long as I live, I will do the work of that Commission. There is only one thing that I regret, and that is that I am the only Royal Commissioner on this platform to-night. It is not my fault, and you will find that I am not alone. There are two other Royal Commissioners, Lord Northampton and Sir John Kennaway, who are with me in this matter. I had hoped to have had a letter from Lord Northampton this morning, but I have had one letter from him. He wrote me a letter to be read, and I read it at Manchester not long ago, very strongly in our support. Here is a passage from a later letter which I am sure I may read now. He says: "When sitting at the Commission table I feared the danger of issuing Letters of Business, as I felt the Houses of Convocation might take action without the consent of Parliament. In my opinion such a fear is foreshadowed by the resolution of July 7th; and on that account I am ready to use any influence I may possess to frustrate that attempt. I have no objection to the Houses of Convocation suggesting anything they may choose, but the decision must rest with Parliament, and I have no doubt what that decision will be." I will read you a letter I have received from Sir John Kennaway: "Dear Sir Edward, I have an engagement at Oxford on February 9th, so I could not be at your meeting, but I am in sympathy with your effort to protest against the attempt to give extra-Parliamentary sanction to the conduct of services in the Church of England in a manner which the law does not allow. It is idle to say that the adoption of Vestments is not connected with doctrine. The man in the street and the worshipper in the Church looks at it in a different light. I hope that the voice of your meeting may give no uncertain sound, and may have a good effect in checking a dangerous policy." I have quoted these letters from the other two Commissioners. They are the only Royal Commissioners to whom I have addressed myself, but I have a strong belief that

others of our body will come to our aid very soon. But I need not draw any distinction between the Royal Commissioners, for the quotations I shall make are from the Report of the Commission itself. There is one declaration of ours which stood very early in the Report, which I will read, and then I may ask you to consider by what authority, with what weight of considered and independent judgment, that opinion comes to you. It is this. At our Commission certain of the clergy whose cases had been complained of refused to give any explanation, because they said the complaints were made by those who were not habitual worshippers at their churches. This was our answer: "We must also add that it does not follow that irregularities in the services in a church should be passed over because no habitual worshippers complain. Not only have all the parishioners a right to complain who might possibly attend if those services were differently conducted, but also the nation has a right to expect that in the National Church the services shall be conducted according to law." That is the real motto of our Laymen's Committee, and that so long as the Committee shall last will be the guiding principle of all its work.

Now I have read it to you once, let me just tell you before I read it again with what weighty authority that declaration comes to you. Who were the Commissioners? As I read their names I hope you will think upon each name and consider what it represents. Lord St. Aldwyn was the Chairman; Randall Cantuar, Archbishop of Canterbury, comes next; Lord Northampton; Francis Paget, Bishop of Oxford; the present Bishop of Gloucester; the Lord Chief Justice of England, Lord Alverstone; Sir John Kennaway; Mr. John Talbot; Sir Samuel Hoare; Sir Lewis Dibdin, the chief ecclesiastical judge in this country; T. W. Drury, now, I am glad to say, Bishop of Ripon; G. W. Prothero; George Harwood; and you add to that list the name of Edward Clarke. You could not

have a representation more complete of the different elements of opinion and of authority in the Church of England, and they all agreed upon this proposition, which shall be writ large upon everything that the Laymen's Committee ever does: "The nation has a right to expect that in the National Church the services shall be conducted according to law." I hope I have justified my appearance on this platform and in the

chair to-night.

I now pass at once to the question of why this meeting should have been specially called. It is because, on the 7th of July last, there was a resolution adopted by the Upper House of Convocation of the Province of Canterbury, which seems to me, as it has seemed to Lord Northampton and Sir John Kennaway, to be inconsistent with the conclusions at which we arrived at this Commission, and full of great danger to the peace and the welfare of our Church. The resolution that was passed was one that was proposed originally by another Bishop, and afterwards modified on the suggestion of the then Bishop of Birmingham, now Bishop of Oxford. It was passed, I deeply regret to say-and I was amazed when I heard it-with the assent of the Archbishop of Canterbury. How he came to be persuaded to consent to that resolution after putting his name to the Report of the Commission I cannot imagine, but he did. The resolution was divided into two proposals-first, that it was not desirable that any alteration should be made in the terms of the Ornaments Rubric; secondly, that neither of the two existing usages as regards the vesture of the Minister at the Holy Communion should in all cases be excluded from the public worship of the Church. Now, the first part of that resolution says that the so-called Rubric for it really is not a Rubric -the so-called Ornaments Rubric, should not be altered; and the Bishop of Birmingham, now of Oxford, said it would be ruin to them if they altered the Rubric because that Rubric ordered the clergy to

wear the Edwardian vestments. It is an extraordinary contention. The idea that that paragraph in the Prayer Book orders our clergy to wear the Mass vestments rests on this absurd contention, that the Convocation and Parliament in 1662 laid down a rule which they did not intend to make, which they never knew they had made, and which the Bishops who framed it, and the clergy who assented to it, and the whole body of the Church who were supposed to obey it, unanimously disobeyed for over two hundred years. Now I am not going to deal to-night with the history of that so-called Rubric. It is a subject much too large to be dealt with in a passage in a speech. Therefore, when I went to Manchester some month or two ago, I prepared very carefully my speech on this subject, and it has been published in this little booklet. What Vestments are Legal in the Church of England. As it cannot be repeated in every speech, anyone who really desires to know about the subject can do so by getting a copy of this little pamphlet; I think it is clear; I believe it is complete; I am certain that in law and history it is correct; and so I do not dwell more to-night upon that Rubric.

I turn to the second part of this resolution. The second part says that "provision should be made by whatsoever means may hereafter be recommended by this house to authorize, under specified conditions and with due safeguards, a diversity of use." Now there is only one means by which the established law of the Church can be altered, as we pointed out in our report, and that is by Act of Parliament. That the Ritualists will never ask for. The idea that Parliament will venture to take a single step in the direction of undoing the work of the glorious Reformation, and of bringing back into our Church the symbols and the practices of the decaying superstitions of Rome is—and they know perfectly well that it is—the idlest of vain imaginations. These men will never go to Parliament. I remember at one meeting of our Commission talking to

the late Bishop of Oxford about the suggestion which was eventually put into the Report that the Convocations should prepare something which Parliament would approve. I said these Ritualists will never go to the House of Commons, for if they go to the House of Commons it would be like Daniel reminding the lions that it was lunch-time. They will not go to Parliament, but we shall. I hope very shortly that we shall see whether there is or is not power in the Parliament of England to control these treacherous Bishops and lawbreaking clergymen, and to secure to the people of this country what all those men whose names I have read out declare to be their right, that the services of the National Church should be conducted according to law. There is no other means of changing these things but by an Act of Parliament, and I am really not going to trouble much about these suggestions from Convocations which do not adequately represent the clergy,

and do not represent the laity at all.

But there is one suggestion which has been made in the Report of a Committee of the Convocation of York which is so childish in its simplicity and folly that I really do feel inclined to spend a sentence upon it. The suggestion proposed is that the Vestments should be authorized on condition that they are white instead of coloured. Now I really find it difficult to gauge the mental condition of the man who thinks that that sort of rule would be of any value at all. In the first place, it would not be obeyed. The clergy who now wear these Vestments would say, and very rightly say: "I am told, I believe, to use the Edwardian Vestments; you have encouraged me in that belief; you have not reprimanded me when I do so; how can you expect me to commit the folly of putting on a white chasuble, and pretending it is not a chasuble because I have altered the colour?" Really the proposal is too absurd. We should have a novel sort of nondescript garment or vestment. I think I will give it a word—a "chasurplice," something the shape

of a chasuble and something the colour of a surplice. There is only one sort of person in the ministry of the Church who would wear such a garment : that is "Mr. Facing Both Ways," a man who is looking for an early vacancy in the vicarage of Bray, a man who is not Roman enough to wear a real chasuble, and not Protestant enough to wear a real surplice. Really it is too pitiful to have Bishops and clergy making suggestions of this character. I hope that next week the Convocation of York will relieve itself of the imputation of anything so ridiculous as the adoption of this proposal. I am glad to say I have been able to do something to strengthen the hands of those who are standing for the right in the Convocation of York. It is only a fortnight vesterday since I went down to speak at Birmingham. That morning I drafted a petition, and took the forms down to Birmingham with me that night, and secured a large number of signatures. I am glad to say that we have got some thousands of signatures already, and I hope before this evening is over you will all sign the petition, or, better still, take away with you the forms of petition, get them filled up, and return them to us by next Tuesday. I think it is an extraordinarily strong petition considering the short time that has elapsed, and will strengthen the hands of those who, as I say, are standing for the truth and right in the Convocation of York.

Now it is said with regard to this matter by some of our friends, why trouble so much about Vestments? Surely they are not of much consequence, and you need not bother about them. Sir John Kennaway's letter, which I read in the early part of the evening, will give you the answer. It is a very different thing, he says, with regard to the way the Vestments are viewed by the man in the street and the worshipper. The man in the street cares nothing about the Vestments; they say nothing to him; but to the man whose habit it has been from childhood to go into his parish church, and there enjoy the simple devout service which has

grown up with him, and helped to inspire and mould his life, to him this question of Vestments is a very serious one. When they say, why do you trouble about these Vestments? my answer is twofold. In the first place, my answer is the sentence I quoted from the Royal Commissioners. The nation—not merely, observe you, professed Churchmen, but the nation-has a right to require that the services of the National Church shall be conducted according to law. My next answer is this. It used to be said that Vestments meant nothing, that they were of no consequence, that they symbolized no doctrine, that they were not essential to the validity of the Sacraments. But while that has often been said, in 1867, when a Royal Commission, larger and more important in its authority than even that to which I had the honour to belong, made a unanimous report, it said: "We find that while these Vestments are regarded by some witnesses as symbolical of doctrine, and by others as a distinctive vesture whereby they desire to do honour to the Holy Communion, as an instrument and form of Christian worship they are by none regarded as essential, and they are a grave offence to many." I was reading, a few days ago, the life of Bishop Wilberforce, who was one of the active men on that Commission, and, as you know, was somewhat inclined in the direction of extreme practices. I found an interesting quotation. He said: "The strongest witnesses all declared that they did not consider Vestments essential. How could they when none of those who held the sacramental view have for over three hundred years ever used them in the Church, and when they are neither primitive nor of such early use as the surplice at the service of Communion." That was Wilberforce's view. A Committee of Bishops of the Southern Province have lately drawn up a report, in which they repudiate their doctrinal significance, say they are not essential, and are not material to doctrinal teaching. What justification can there be, therefore, for what is going on now week by

week in our country parishes? I have heard within the last fortnight of three recent cases at Easingwold, in Yorkshire, at All Saints, Lower Sydenham, and at Whitton, near Hounslow—three definite instances where the steady congregations have been driven out of the services of their Church because of the introduction of these Vestments. Suppose for a moment one admitted the plea that the Vestments were not significant of doctrine, whose work would it be then that the clergyman was doing who drove out from his church the habitual worshippers there, drove them out, perhaps, to seek some consolation in the teaching of the Nonconformist bodies, but I am afraid more often to the loss of all the strength and inspiration of spiritual life altogether? Whose work would he be doing? Not God's work, but Satan's work.

Now I spoke just now of other illegal practices which come with the Vestments, things which are considered necessary with the Vestments, which never come alone. I turn to our report, and I read a passage which describes the practices which were brought to our This is what we said after hearing evidence for two years: "In a large number of the services of Holy Communion as to which evidence has been given -Vestments, the Confiteor, illegal lights, incense, the Lavabo, the ceremonial mixing of the chalice, the wafer, a posture rendering the manual acts invisible, the sacring bell and the Last Gospel—are all or nearly all in use, and unite to change the outward character of the service from that of the traditional service of the Reformed English Church to that of the traditional service of the Church of Rome." Now that is what we found, and you know as well as I do that these things come sometimes all together, and sometimes one by one, and that thousands of the most loval Churchmen and Churchwomen in this country are being gradually driven out of the Communion of their own Church. do not think that the Bishops quite appreciate what the consequences of this action of theirs will be. I

do not think they quite realize how very widespread this mischief is. Let me point to a few consequences, of which I want to speak very quietly but very firmly. In the first place, there is a constant driving out of loyal Churchmen and Churchwomen from their own Church. The Bishops are often reminding us that the intellect and the manhood of the country does not sufficiently respond to the claims of the established Church of England. I do not wonder at it. It is the intellect and the manhood of the country that is, in the first place, being driven out of our Church by practices such as these, practices which the intellect despises and the manhood rejects by instinct. But let us go a step further. I hear from time to time the Bishops expressing pious hopes that the Church of England and the Nonconformists of the country, especially those Nonconformists who come from the Wesleyan tradition, and so are in a great measure associated with the principles and teaching of our Church, may be drawn closer together, that there may be some reunion in sentiment and worship between our Church and them. God grant that such a wish may be fulfilled. The most unhappy thing in the history of our Church is that the supporters of John Wesley, who was a member of the Church of England, and until his death always thought of it with reverence and affection, should thus be separated from our Communion. But how is it possible that the bonds of union in worship and work can be drawn closer between us when every week we are setting up fresh barriers against them, and when the Church of England in too many places is taking upon it a complexion and a character which repels them from any association with our worship or our services. But this is not all. This change which has been coming upon the Church of England has to a great extent already deprived, and is steadily depriving, the Church of England of its influence in the education of our children. There is no parish where this scandal has happened where the

people are not willing to see the Church school closed. Our clergy are regretting that the Church schools are rapidly diminishing in number. Who can wonder at it? I for one think that our clergy lost a few years ago an opportunity, which will never come again, of bringing their own Church teaching into the great national school system of the country; and year by year the number of Church schools is decreasing, and the hold of the Church on the education of the children is being weakened and lost. Those are three special considerations. There is another, I do not say a graver, for no one can attach more importance than I do to the education of our children, but there is another consideration of much importance. Our Bishops are going all over the country now urging the people to stand firm in defence of the establishment of the Church in Wales. Well, to that cause of resistance to Welsh disestablishment I gave some part of my life twenty years ago in the House of Commons. I was always ready to speak against the threatened disestablishment of the Church in Wales. If I had the same opportunity nothing would please me better than speaking against it now. But this must be remembered. The Church holds its title to establishment upon certain definite conditions. Given a Church which fulfils the duties of a Church Establishment, and all of us, I suppose, would work hard in its support. The Archbishop of Canterbury, in his pastoral address at the beginning of this year 1912, expressed an earnest desire "to use fully and to use aright for God the trust given to the National Church in every parish in the land." I say that if that trust is rightly used in every parish of the land there will be no fear for the establishment; but if instead of that you find that in every parish of the land a new vicar can come and introduce practices which he knows to be illegal, and which he would not dare to introduce unless he were assured of the complicity of his Bishop, if that sort of thing exists and people are driven from their own parish Church, when, before very long, it may happen that the question of the establishment and endowment of the Church of England may be put to the people, you will find in every parish where the trust of the people,—aye, and the trust given by God—has been betrayed, you will find not only lukewarmness, but a just and righteous declaration that a Church that has ceased to fulfil its duty has ceased to have the right to be established.

Now I have spoken of these things as matters which the rulers of the Church should carefully consider. But the next question is, what should we, the laity, do? I had intended to say something about that parish of Thorpe, whose condition first moved me to take action in this matter, and with regard to which I will never cease to put the facts before my fellowcountrymen as long as the grievances of the people of Thorpe exist. I can only touch now on three or four points. The people at Thorpe Parish Church were quite brotherly and happy, when suddenly they had introduced into their midst a new vicar, who introduced so many new practices that the people's churchwarden wrote to the Bishop to complain of twenty-two illegal practices which had been introduced into the Church. Bishop Ryle, then Bishop of Winchester, hesitated and boggled over the matter, and at last wrote back, and said that the vicar had promised to give up four of the practices, by no means the most important, and that therefore he should not interfere. Thereupon my friend Mr. Gordon Coombe, who has shown a courage and persistence in this matter which entitles him to your regard and gratitude, put forward a representation under the Public Worship Act, which was vetoed by Bishop Ryle. (Shame.) Wait a moment; do not be angry yet, you will have more cause presently. He vetoed it on the ground that some of these matters were under consideration by Convocation on the Letters of Business, and that with regard to the others it would not be wise to have litigation about them. Before anything could be done upon that, Bishop

Ryle, I am glad to say, ceased to be a Diocesan Bishop, and has gone to Westminster, where he cannot do so much harm. Then came another Bishop. Directly Bishop Ryle left, the vicar who had promised him that he would abandon these four practices resumed them, on the ground that his promise was given to the man and not to the office. Then came the new Bishop, Bishop Talbot, who is there now. Another representation under the Public Worship Act was sent to him, including among the things complained of the four confessedly illegal practices which the vicar had dishonourably resumed. What was the Bishop's answer? First, that they had been dealt with by his predecessor, when complaint was made to him; and, secondly, that, as the complaint was made just before the long vacation, the limit of twenty-one days to inquire into it made it difficult, if not impossible, to deal with it. I am afraid-I am not quite certain—that it is not possible to bring these Bishops before a Court of Law. I only wish it were. But, there in Thorpe these practices are going on to-day after two years of complaint to two Bishops. The loyal Churchpeople of Thorpe are exiled from their own church, and there is no place of worship for them to go to within two miles, and there is the destruction of loyal Churchmanship in that place.

I have said what I have had to say about the matter as a warning—a very serious, carefully considered, conscientious warning—as to what the consequences are in the Church of England from the course which has been taken in this matter. Now I come to the question, what can we do? I dare say there may be some who have not yet read my letters to The Times. They have since been republished in that little pamphlet to which I have referred, and on page sixteen you will find my advice to Churchmen as to their personal action in this matter. I may say that in the appendix you will find the whole of the correspondence about Thorpe. That is "Romanism in the Church of England." There cannot be two opinions about it.

But what can we do in our Committee, not as individuals, but together? I think there are several things we can do. (A VOICE: "Break up their idols.") No, no, my friend. That interruption leads me to say this: Six months or so ago a suggestion was made to me that concerted action in defending those who were taking violent proceedings in this matter would be a wise course, and it was suggested to me by a man of wealth, who was ready to find the means that might be required for such defence. I wrote back, begging him most earnestly not to sully the cause which we have at heart by either directly or indirectly countenancing in any way any sort of violence or disorder. I should not have told you this but for the fact that I want to make it clear that we must not let it be said, in connection with this movement, which I believe is going forward to be of great effect and great power, that we have been guilty of any sort of violence or of anything that could be hurtful to the consciences of

those against whom we are working.

Now, then, what can we do? In the report which I signed we recommended this: "That, for the purpose of effective supervision and administration, it is desirable that many dioceses be subdivided, and that a general Act, providing machinery for the creation of new dioceses by an Order in Council, should be passed so as to prevent the necessity of the enactment of a separate statute on the formation of each new diocese." I agreed with that six years ago; I do not agree with it now. It was part of a scheme. We said at the beginning of it: "We desire to state that those of our recommendations which will require legislation are framed as a complete scheme, and must be considered mutually dependent." If other things had been recognized, I should stand by that agreement. I see now that there is a Bishoprics Bill brought in, which on some grounds, apart from the general grounds we are now dealing with, is objectionable. I am fully conscious of the necessity for the division of some of our

large dioceses—the diocese of St. Albans, for instance; but whilst the present Bishops behave as they do, I do not want to have any more. Let us see that the Bishops are loyally observing the laws of the Church and of the State, and no one would be more ready than myself to extend the bounds of episcopal administration. We can take precautions, and one precaution I should like to see taken is to secure that in any Bill brought into the House of Commons for the establishment of a new Bishopric there should be a clause that every new Bishop, before his consecration, should make a declaration that he is a faithful Protestant. I have the highest possible authority for such a proposal. I hold in my hand an Act of Parliament passed in April, 1910, before His Majesty the King was crowned, providing for the declaration he should make preliminary to his coronation. That clause was framed by the Archbishops of Canterbury and York, and they suggested for the King the declaration which he made, and which any King in the future will have to make before he can come to the throne. It is this: "I do solemnly and sincerely, in the presence of God, profess, testify and declare that I am a faithful Protestant." If that is an admirable and most useful declaration for a King, it would be a most becoming declaration for a Bishop. I do not think the Archbishops could object. The only objection I have heard is that the Bishops sit so lightly by the promises made at their consecration that it is not much use trying to bind them by any promise. I am ashamed to think there is some truth in that. But however this may be we are not entitled to assume that those hereafter to be appointed Bishops would make such a declaration dishonestly. But there is something else. It is no use bringing Bills into the House of Commons -not the slightest. They only occupy time, entail a good deal of expense, give people a great deal of trouble, and never come to anything at all. But you can do a great deal by a resolution. I hope to see before very long an Address to the Crown carried in both Houses

of Parliament—the House of Lords as well as the House of Commons—praying that the King will not appoint to any Episcopal office unless he is satisfied that the new Bishop will use his authority to enforce the directions of the Prayer Book and the law as declared by the Courts which have jurisdiction in matters ecclesiastical. A resolution of that kind was carried some years ago. I hope before very long we shall have an opportunity of getting such a resolution carried in both Houses of Parliament.

And now I am going to propose this resolution: "That in view of the resolution of the Bishops of the Upper House of the Convocation of Canterbury in favour of the permissive use of the Mediæval Vestments in the celebration of the Holy Communion in the Church of England, this meeting declares its resolute opposition to any alteration of or departure from the law of the Church of England, as declared by the Courts having authority in matters ecclesiastical, and its determination to maintain that which has been the established usage of the Church since the Reformation."

I have only a few more words to say, but they are very serious words. You who hold up your hands in support of this resolution will not only be expressing an opinion, you will be pledging yourselves to a lifelong work. If you really mean the protest which is expressed in its words you cannot be content with holding up a hand, and then forgetting all about it. The holding up your hand means no less than this—that you through all your lives will give your thought, your time, your means, to maintain the Protestant teaching of the Church of England.

This laymen's movement, which makes its first public declaration to-night at this great meeting, is not going to be the movement of a week or a year or even a decade. Resolution, courage, patience, perseverance in the face of strong resistance and bitter misrepresentation, will all be needed to secure the end we have in view. But of your ultimate success I have no doubt whatever.

I wish you had a younger man to lead you; I cannot hope for many more years of public work. I will do my best—God helping me—and I trust, as time goes on, the younger men will come to my side, and that when I am gone they will carry it on with greater

energy and to a more complete success.

It is a great and worthy cause. To maintain the National Establishment of a pure, Scriptural faith, which provides in every parish of the country a House of God, where every dweller in the parish is entitled to find his place, where simple and devout services are conducted according to the law, and men of varying opinion, but of one common faith, can worship together with formularies which embody the deepest and most sacred convictions of them all; and which in every parish provides a duly commissioned teacher of Christian truth, whose ministration every dweller in his parish is entitled to claim; to support those agencies of our Church which carry out to foreign peoples and to heathen lands a gospel of faith and freedom, and not of a slavish superstition; this is the work to which we all are called, and this is the work to which I beg you to remember you are solemnly pledging yourselves when you hold up your hands in support of this resolution.

DRAFT OF PROPOSED BISHOPRICS BILL

APPROVED BY THE COUNCIL OF THE NATIONAL CHURCH LEAGUE, 17TH DECEMBER, 1912

BISHOPRICS BILL

This Bill has been drafted in consequence of the absence from the Bishoprics Bill now before Parliament of any provision for an enquiry as to the need for the establishment of a new Bishopric or as to the provisions of the scheme for such establishment. The words underlined are not in the present Bill but can be introduced by amendment.

A DRAFT BILL

To facilitate the foundation of new Bishoprics and A.D. 1913. the alteration of Dioceses, and to amend the Bishops Resignation Act, 1869, and for other matters incidental thereto.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows :-

1.—(1) The Ecclesiastical Commissioners may Power to from time to time prepare and submit to His Majesty schemes through the Secretary of State for the Home De- respect to partment, for confirmation by Order in Council, a bishoprics, etc. scheme for the foundation of a new bishopric with

A.D. 1913 a diocese and cathedral church in each case, for the foundation of deans and chapters or of deaneries or residentiary canonries in connexion with any such cathedral churches, for the alteration of the boundaries of dioceses as constituted at the date of the Order, and for any matters for which it appears necessary or expedient to make provision in connexion with those objects or any of them, including the transfer as between bishoprics of patronage and endowments, and the proceeds of sale of any house of residence whether effected before or after the passing of this Act, and the annexation (notwithstanding any enactments to the contrary but subject to the rights of the incumbent at the date of the Order) of a benefice to a deanery:

Any provisions of the Bishoprics Act, 1878, as originally enacted may be applied with the necessary modifications by an Order made under this Act in connexion with a new bishopric to the case of that bishopric.

- (2) A scheme for the purpose of an Order under this Act shall not be submitted to His Majesty unless—
 - (a) in the case of the foundation of a new bishopric, dean and chapter, deanery, or residentiary canonry, the Ecclesiastical Commissioners certify to His Majesty under their common seal through the Secretary of State for the Home Department that an endowment in their opinion adequate has been transferred to them or otherwise provided and secured to their satisfaction;
 - (b) the recommendation has the consent of the archbishop or archbishops of the province or provinces affected and, so far as the recommendation affects any then existing bishopric or diocese, the consent of the bishop; and

- (c) in the case of the annexation to a deanery of A.D. 1913. a benefice of which the right of patronage or any interest therein belongs to a private patron, notice of the proposed recommendation has been given to such private patron and if within one month of the delivery of such notice such private patron claims compensation for the loss (by reason of such annexation) of the right of patronage or any interest therein so belonging to him, then unless he has been paid by way of compensation the value of such right of patronage or interest therein, to be assessed in case of disagreement by the Ecclesiastical Commissioners: but a trustee or other person occupying a fiduciary position shall not be bound to claim such compensation.
- (3) An Order may be made under this Act with reference to the dean and chapter or deanery of or a residentiary canonry in the cathedral church of any diocese mentioned in the schedule to this Act in the same manner and subject to the same provisions as if the bishopric of that diocese were a new bishopric founded by Order under this Act, and the Order may modify any Act relating specially to any such dean and chapter, but, where the Order affects a dean and chapter existing at the date of the making of the Order, no such Order shall be made without the consent of that dean and chapter.
- (4) Section two of the Bishoprics Act, 1878 (which relates to contributions for the purposes of the endowment of a new bishopric), and section five of the same Act (which relates to the number of bishops sitting in Parliament), shall apply as respects new bishoprics founded or proposed to be founded under this Act in like manner as they apply as respects the new bishoprics mentioned in the schedule to that Act.

- A.D. 1913. (5) The Ecclesiastical Commissioners shall have the same powers of investing, managing, leasing, selling, and otherwise dealing with funds and property forming part of the endowment fund of any bishopric, dean and chapter, deanery, or residentiary canonry founded or proposed to be founded under this Act as are conferred upon them by the Bishoprics Act, 1878, in relation to the endowment funds of the new bishoprics mentioned in the schedule to that Act; but nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of any new bishopric, dean and chapter, deanery, or residentiary canonry save in so far as relates to any part of the endowment of any existing bishopric transferred by Order under this Act to a new bishopric.
 - (6) Any Order made under this section shall have effect as if enacted in this Act, and may be revoked, varied, or added to by any such Order subsequently made.
 - (7) Any Order made under this clause for the foundation of a deanery shall provide for the nomination and appointment of the dean by the Crown.
 - 2. When the Ecclesiastical Commissioners have prepared such scheme they shall cause it to be printed and shall cause it or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.
 - 3. If any person directly affected by the said scheme feels aggrieved by the scheme he may within one month of the publication thereof petition His

Majesty in Council, praying His Majesty to withhold A.D. 1913. His approval from the whole or any part of the scheme.

His Majesty by Order in Council may refer any such petition for the consideration and advice of five members at the least of His Privy Council, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition, and shall have the same power with respect to the costs of all parties to the petition as the Chancery Division of the High Court of Justice would have if the petition were a proceeding in that Court by way either of petition or information for obtaining a scheme.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for His Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the Commissioners with such declaration as the nature of the case may require.

4. Where a scheme is remitted with a declaration the Ecclesiastical Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may make such amendments in the scheme as will bring it into conformity with

- A.D. 1913. the declaration. Such amended scheme shall be published and circulated in the same manner and subject to the same right of petition to His Majesty in Council as is before directed, and so on from time to time as often as occasion may require.
 - 5. After the time has expired for a petition to His Majesty in Council against any scheme or after His Majesty in Council has directed a scheme to be laid before Parliament such scheme shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and, if either House, before the expiration of that period, presents an address to His Majesty against the scheme or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new scheme.

Pensions to bishops on resignation.

6. The Ecclesiastical Commissioners may prepare and submit to His Majesty through the Secretary of State for the Home Department, for confirmation by Order in Council, a scheme for reducing, as respects any bishopric, the amount payable to any bishop, on retiring, out of the revenue of the bishopric, and, upon the confirmation of any such scheme by Order in Council, the amount specified in the scheme in respect to any bishopric mentioned therein shall, as respects that bishopric, be substituted for the amount mentioned in the Bishops Vict. c. 111. Resignation Act, 1869, but no such scheme shall without his consent affect the rights of any bishop who has resigned before the confirmation of the scheme or of any person who is bishop of the bishopric at the time of the passing of the Act.

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7. This Act may be cited as the Bishoprics Act, Short title. 1913.

WHAT VESTMENTS ARE LEGAL IN THE CHURCH OF ENGLAND

Published by the National Church League

THE GOVERNING RULE

In 1552 the Prayer Book of the Reformed Church of England (the Second Prayer Book of Edward the Sixth), was brought into use under the authority of the Act of Parliament 5 and 6 Edw. 6, c. 1.

A copy of the book was "annexed and joined" to that Statute; and at the beginning of the order for Morning Prayer the following rubric appeared:—

"And here it is to be noted that the Minister at the time of the Communion, and at all other times in his ministrations, shall use neither alb, vestment, nor cope, but being Archbishop or Bishop, he shall have and wear a rochet; and being a Priest or Deacon, he shall have and wear a surplice only."

On All Saints' Day, the 1st November, 1552, this became the rule of the English Church; and on that day the Bishop of London preached at St. Paul's Cathedral, he and all the other elergy obeying the new rubric.

King Edward VI died in July, 1553, and by the Statute enacted in November of that year Mary repealed all the Acts passed in Edward's reign concerning religion, and re-established the Mass.

Then followed five years of Roman supremacy and

cruel persecution.

In 1558 Mary died; and the yoke of Rome was at once and finally thrown off.

ITS RE-ENFORCEMENT

Elizabeth was proclaimed on the 17th November, 1558, and her first Parliament met on 25th January, 1559. The first Statute passed was the Act of Supremacy "restoring to the Crown the ancient jurisdiction over the estate ecclesiastical and spiritual and abolishing all sovereign powers repugnant to the same." The second was "An Act for the Uniformity of Common Prayer and Service in the Church, and administration of the Sacraments" (1 Eliz. 2).

By this Act the Statute of Mary which repealed that of Edward was itself repealed so far as it concerned the Prayer Book of 1552, and it was enacted that—

"The said book, with the order of the Service and of the administration of the sacraments, rites and ceremonies, with the alterations and additions therein added and appointed by this Statute, shall stand and be, from and after the said feast of the Nativity of St. John Baptist, in full force and effect."

By Section 3, the alterations and additions were specified.

All ministers within the Queen's dominions were bound to use—

"The order and form, mentioned in the book, so authorized by Parliament in the said fifth and sixth years of the reign of King Edward the Sixth, with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added in the delivery of the Sacrament to the Communicants, and none other or otherwise."

THE PROVISO RESPECTING ORNAMENTS

The 25th Clause of the Statute contained a proviso—

"That such ornaments of the Church and of the Ministers thereof, shall be retained and be in use, as was in this Church of England by authority of Parliament, in the second year of the reign of King Edward the Sixth, until other order shall be therein taken by the authority of the Queen's Majesty, with the advice of her commissioners appointed and authorized under the Great Seal of England for causes ecclesiastical, or of the Metropolitan of this realm."

This proviso was not a rubric, and did not authorize the omission of the rubric appearing in the book of 1552, or the insertion of any other.

THE UNAUTHORIZED MEMORANDUM

The old rubric ought to have been reprinted in every copy of the Prayer Book as the permanent rule of the Church of England; and the proviso in the Act, which temporarily suspended the operation of the rubric, would have properly appeared, as in fact it did, in the Statute printed at the beginning of the book. But somebody, it is not known who, without any authority of Parliament, inserted, in place of the Statutory rubric, the following sentence as a Memorandum or an interpretation of the clause in the Act of Uniformity:—

"The Minister at the time of the Communion and at all other times of his ministration, shall use such ornaments in the Church as were in use by the authority of Parliament in the second year of Edward VI, according to the Act of Parliament set forth in the beginning of this book."

No memorandum of this kind had been in the book when it was sent to Cecil to be brought before Parliament. It was inserted without any apparent authority, ecclesiastical or civil. It was not correct as a memorandum of the clause. The first twenty-five words are not in the Act at all; and the important limitation contained in the last thirty-six words of the clause which show that the direction was only temporary, "until other order shall be taken," was omitted altogether. The memorandum thus introduced had no

force or validity whatever. If it was an accurate summary it was merely a repetition of the Act. If it was inaccurate or imperfect, the Act and not the note

would be the governing rule.

It seems strange that this unauthorized and incorrect memorandum should be made the basis of a claim to bring back into our Church Service the vestments of the Roman Mass, after they had been universally discontinued for three hundred years.

THE RUBRIC OF 1552 OBEYED

But whether the omission of the authentic rubric was a blunder or a fraud, whether the insertion of this inaccurate memorandum was or was not sanctioned by the Privy Council, did not matter at all to the people of that time.

Many at the Universities and in the parish churches brought back into use the Prayer Book of 1552, and obeyed the directions in its rubrics, before Parliament

took any action.

The vestments—the chasuble, the alb and the stole—disappeared from public worship from the beginning of the reign of Elizabeth onward. Every bishop on the bench went directly in the face of the so-called rubric; not only were chasubles disused, but they began to be destroyed as "monuments of superstition."

THE INJUNCTIONS SUPPORT IT

The Queen was not slow to act. By the Act just quoted the old Prayer Book was to come back into use on St. John Baptist day, the 24th June, 1559, or, if the books could be obtained earlier, within three weeks of their being obtained. On the 12th May, in the Queen's private chapel, this book was used, and the minister wore the surplice only; and on the 15th May, the Bishop of London preached wearing the rochet at St. Paul's Cathedral, and only the surplice was worn by the other clergy. And on the very day

the old Prayer Book came back into universal use, the 24th June, the Queen issued Injunctions under the Great Seal, which among other matters dealt with the dress of the clergy "in the church and without." Injunction 30 directed that all the clergy should "use and wear such seemly habits, garments, and square caps, as were most commonly and orderly received in the latter year of the Reign of King Edward the Sixth." In the latter year of that reign no chasubles or albs were in use. So in their Visitation Articles after the date of these Injunctions the Archbishop and Bishops asked:—

"Whether your priests, curates or ministers do use in the time of the celebration of divine service to wear a surplice prescribed by the Queen's Majesty's Injunctions and the Book of Common Prayer?"

From this time the destruction of the Mass Vestments went steadily on. "The chasuble was given to the poor, made into a covering for the pulpit, or into cushions, or players' coats, or doublets. Sometimes it was burnt or defaced. In one place it became the cover of the Communion Table. In another it was sold to set forward soldiers on their way."

It has been objected that the Injunctions, although unquestionably issued by Royal Authority and in fact enforced and obeyed by the Bishops and Clergy, were not technically regular as a taking of order under the 25th clause of the Statute, as they were issued in June and the Ecclesiastical Commissioners were not appointed until July, and Parker was not consecrated Archbishop of Canterbury until December.

The Tudor sovereigns were not very careful about technicalities; and Elizabeth may well have thought, as it is clear everyone else did, that she was entitled to act without advice, if the persons named as her advisers did not in fact exist.

But if such an objection could have any weight, it

did not apply to the taking of order which took place a few years later.

THE ADVERTISEMENTS OF 1566

On the 25th January, 1565, the Queen wrote to Archbishop Parker ordering the Metropolitan, "according to the power and authority which he has under her over the province of Canterbury (and the like she will order for the province of York)," "to confer with the Bishops in the Commission for causes ecclesiastical, and ascertain what varieties, novelties and diversities exist in doctrine or in ceremonies and rites of the Church." She directed them "to proceed by order, injunction, or censure, according to the order and appointment of such laws and ordinances as are provided by Act of Parliament and the true meaning thereof, so that uniformity may be enforced." And she further directed them for the future "to see that none are ordained but such as will promise to observe, keep, and maintain, such order and uniformity in all the external rites and ceremonies, both for the Church and for their own persons, as by laws, good usages, and orders, are already allowed, well provided and established "

The disuse of chasubles and albs was already well established, by the joint effect of the Act of Uniformity and the Injunctions. In fact by this time the chasubles had all been destroyed. The difficulty now, so far as the minister's apparel was concerned, was that some strongly objected to wearing even the surplice. The Bishops obeyed the Queen's order, and in March sent a draft of Ordinances to Cecil to be submitted to the Queen asking her to authorize them; but they were not authorized or published; and it was not until a year later that "the (revised) book of Advertisements" was ready in its completed form. In a personal interview with Parker and Grindal the Queen charged them "to see her laws executed and good orders decreed and observed."

The Book when sent out bore this title :-

"Advertisements partly for due order in the public administration of Common Prayers and using the Holy Sacraments and partly for the apparel of all persons ecclesiastical by virtue of the Queen's Majesty's Letters commanding the same, the 25th day of January, in the seventh year of the reign of our sovereign Lady Elizabeth, by the Grace of God of England, France and Ireland Queen, Defender of the Faith," etc.

Among the Advertisements is the following:-

"Item, that every minister saying any public prayers or ministering the Sacraments, or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charge of the parish."

This closed the matter; and for the rest of Elizabeth's reign the Bishops of both provinces enforced the use of the surplice.

THE JACOBEAN PRAYER BOOK AND CANONS

In 1603 James I ascended the throne, and the growing Puritan party presented the Millenary Petition for the revision of the book of Common Prayer. No one at that time thought of bringing back the Mass Vestments; what was urgently pressed for was that even the surplice should be dispensed with.

This was refused; and the Book of Common Prayer was re-issued with a few unimportant alterations.

The 25th Section of the Act of 1559 containing the proviso was spent; and the note had become meaningless; for Elizabeth thirty-seven years before had taken the other order referred to, and the ornaments mentioned in the note had wholly disappeared. The Act was, however, still the Statutory sanction of the use of the 1552 Prayer Book; and the rule of that book that the minister at all times in his administration should use neither alb, vestment nor cope, but have and wear a surplice only, was the unquestioned

and universally obeyed law of the Church of England.

In 1604 the Constitutions and Canons Ecclesiastical were agreed upon by Convocation and ratified and confirmed by the King, and in Canon 24 the authority of the "Advertisements published Anno 7 Eliz." is expressly recognized.

Canon 58 provided that—

"Every Minister saying the Public Prayers, or ministering the Sacraments or other rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the cost of the Parish."

So for another sixty years the law and usage of the Church was established; and even during the Laudian revival no one pretended that the law permitted the minister of a parish church to wear any vestment other than a surplice.

THE RESTORATION SETTLEMENT

In 1661, after the Restoration of Charles II, came the Savoy Conference. At that Conference the Presbyterians, who during the disorders of the Commonwealth had come to be the organized representatives of the Puritan party, pressed for large changes in the Prayer Book, affecting doctrine as well as ceremonial.

The Puritan exceptions to the Book of Common Prayer were drawn up by Richard Baxter; and in the 18th of these exceptions objection was made to the wearing of a surplice, to the use of the sign of the Cross in Baptism, and to the requirement that Communicants should kneel in the act of receiving.

These were spoken of as "mystical teaching signs,"

and it was stated that-

"In the judgment of the opposers, they are by some held sinful and unlawful in themselves; by others very inconvenient and unsuitable to the simplicity of gospel worship, and by all of them very grievous and burdensome." In the answer of the Bishops this exception was called "the main and principal demand" and in two sentences of a long reply this answer was given:—

"This in brief may here suffice for the surplice; that reason and experience teaches that decent ornaments and habits preserve reverence, and are held therefore necessary to the solemnity of royal acts and acts of justice, and why not as well to the solemnity of religious worship. And in particular no habit more suitable than white linen, which resembles purity and beauty, wherein angels have appeared (Rev. xv.), fit for those whom the Scripture calls angels: and this habit was ancient."

THE MEMORANDUM ALTERED

In the extracts from the Book of Common Prayer which were attached to their exceptions, Baxter included the note or Memorandum of Elizabeth, and wrote against it,—

"Forasmuch as this rubrick seemeth to bring back the cope, alb, &c., forbidden by the Common Prayer Book, 5 and 6 Edw. VI, and so our reasons alledged against ceremonies under our eighteenth general exception, we desire it may be wholly left out."

Upon this the Bishops reply:-

"For the reasons given in our answer to the 18th general, whither you refer us, we think it fit that the rubric continue as it is."

It was not in fact allowed to continue as it was. The so-called rubric as it stood said:—

"The Minister at the time of the Communion and at all other times in his ministration shall use such ornaments in the Church as were in use by authority of Parliament in the second year of King Edward VI."

The altered sentence corrected the inaccuracy of the previous note, by quoting directly from the Act of Elizabeth; but omitted the words "until other order shall be therein taken," as such order had been already taken by the Injunctions of 1559, and the Advertisements of 1566, whose authority had been acknowledged by Convocation in the Canons of 1604. No one saw any danger in the sentence as it was amended. No chasuble or alb had been used in the Church of England for one hundred years. No Churchman then living could have seen one, for by 1566 they all had been destroyed as "monuments of superstition."

The question now was whether even the surplice should be dispensed with. No one imagined that any person of ordinary intelligence could be found to contend that the words "retained and be in use" conveyed a direction to obtain, and to re-introduce into the service of the Church, Romish vestments which had been disused and destroyed at the time of the Reformation, and the use of which in any church in England would have provoked a public riot, and unquestionably would have been punished by the Bishops.

Again the order of the Church of England was universally established. For two hundred years no chasuble or alb was worn by any minister of the Church.

THE BEGINNING OF TROUBLE

Early in the nineteenth century came the rise of the Oxford Movement, and some of the more advanced and less intelligent Tractarians suggested that the Memorandum in the Prayer Book authorized, and indeed required, a universal revival of the use of the Mass Vestments.

This was not the view of their three chief leaders. Newman (while he remained in the Church of England), Keble, "who was one of the most trusted guides and leaders of the High Church movement until his death in 1866," and Pusey, who lived until 1882, never wore the chasuble or encouraged others to wear it.

In 1839 Pusey wrote: "Of course if there were any peremptory injunction which we were unques-

tionably bound to obey it would be a different thing; but the rubric which you would enforce has been otherwise understood by the majority of authorities." As late as 1874, at a meeting of the English Church Union, of which he had then been a member for seven years, he said: "It has been forgotten that some of the rubrics which it has been attempted to revive are obsolete."

THE ROYAL COMMISSION OF 1867

In 1867 the strongest Royal Commission ever appointed met to consider questions of ecclesiastical discipline and were commanded by the Crown to direct their first attention to the question of vestments. This was their first and unanimous report:—

"We find that while these vestments are regarded by some witnesses as symbolical of doctrine, and by others as a distinctive vesture whereby they desire to do honour to the Holy Communion as the highest form of Christian worship, they are by none regarded as essential, and they give grave offence to many."

"We are of opinion that it is expedient to restrain in the public service of the Church of England and Ireland all variations in respect of vesture from that which has long been the established usage of the said United Church; and we think that this may be best secured by providing aggrieved parishioners with an easy and effectual process for complaint and redress."

The importance of this unanimous report can only be completely understood by carefully considering the list of those who formed the Commission. They were:—

Archbishop Longley (Canterbury); Archbishop Beresford (Armagh); Bishop Tait (London); Bishop Wilberforce (Oxford); Bishop Thirlwall (St. Davids); Bishop Ellicott (Gloucester and Bristol); Deans Stanley, Harvey Goodwin and Jeremie; the Revs. H. Venn, W. G. Humphrey, R. Gregory and C. W. Perry; Dr. Payne Smith; Lords Stanhope, Harrowby, Beau-

champ, Portman, Ebury and Rt. Hon. Ed. Cardwell; Abel Smith, Beresford Hope, Hubbard, Rt. Hon. S. H. Walpole; Sir W. Page Wood (Lord Hatherley); Sir R. Phillimore; Sir Travers Twiss; John Duke Coleridge, K.C. (afterwards L.C.J.); Sir J. Napier.

THE LEGAL DECISIONS

In 1871 the question came before the Judicial Committee of the Privy Council in the case of Hebbert v. Purchas (L.R. 3 C.P. 605).

The Court was composed of the Lord Chancellor (Lord Hatherley), the Archbishop of York (Dr. Thomson), the Bishop of London (Dr. Jackson) and Lord Chelmsford. It was decided that the use of the chasuble, alb, and tunicle by the celebrant while officiating in the Communion Service was illegal.

chasuble, alb, and tunicle by the celebrant while officiating in the Communion Service was illegal.

In 1877 the whole question was again argued in the case of Ridsdale v. Clifton (L.R. 2, P.D. 276). The Rev. C. J. Ridsdale, incumbent of the Church of St. Peter, Folkestone, was ordered by the Judge of the Arches Court, following the decision in Hebbert v. Purchas, to abstain from wearing an alb or chasuble. He appealed from this decision to the Judicial Committee of the Privy Council, and the case was heard by the strongest court that could be assembled. The Judges were: the Lord Chancellor (Lord Cairns), Lord Selborne, Sir James W. Colvile, the Lord Chief Baron (Sir Fitzroy Kelly), Sir Robert Phillimore, Lord Justice James, Sir Montague Smith, Sir Robert Collier, Sir Baliol Brett and Sir Richard Amphlett. The Episcopal Assessors were the Archbishop of Canterbury (Tait), the Bishop of Chichester (Durnford), the Bishop of St. Asaph (Hughes), the Bishop of Ely (Woodford), and the Bishop of St. Davids (Jones).

Inasmuch as the case of Hebbert v. Purchas had only been argued by counsel on one side, their Lordships allowed the whole case to be fully argued, but arrived at the same decision. Counsel of great eminence

appeared on either side. The arguments lasted for five days, and no one has since been able to point out any material fact or any relevant argument which was not brought under the consideration of the Committee. The judgment affirmed the decision in Hebbert v. Purchas that the use of the vestments was unlawful. Since this decision, certain Bishops (mostly of the Southern province) have tolerated, and in some cases encouraged, disobedience to the law thus clearly established, and by the exercise of the veto given them by the Public Worship Regulation Act have prevented the aggrieved laity from obtaining the redress which that Act was intended to secure. Now the Convocations have before them Letters of Business. and are considering what, if any, changes should be made in the services and rubrics of our Prayer Book.

THE GOVERNING RULE

Surely the right answer to those Letters would be to advise that the unauthorized note which found its way into the Prayer Book, and, being unfortunately allowed to remain there, has in recent times done so much mischief, should be removed, and replaced by the rubric which has ever since 1559 been the governing law of the Church, and which directs:—

"That the minister, at the time of the Communion, and all other times in his ministration, shall use neither alb, vestment, nor cope, but, being archbishop or bishop, he shall have and wear a rochet, and being a priest or deacon, he shall have and wear a surplice only."

APPENDIX

THE proper dress of the clergy when conducting the services of the Church of England consists of the surplice, scarf, and University hood.

The scarf should not be confounded with the stole, though it is often cut in such a manner as to be practically indistinguishable from a stole, and is more usually called by that name. The stole is, however, quite different, and is not a part of the legal dress of the clergy in the Church of England.

The following are the Vestments which have been formally declared to be illegal:—

The Alb is a close-fitting linen cassock with tight sleeves. It is sometimes plain and sometimes has patches of embroidery, called apparels, upon it.

The Amice is a piece of linen either square or oblong which is placed over the head, fastened round the neck, and then turned back to form a sort of collar.

The Girdle is a white cord by which the Alb is tied at the waist. It is sometimes finished with three knots which are said to signify the three vows of poverty, chastity, and obedience.

The Stole is a long strip of black or coloured silk with wide ends, generally embroidered. It is worn round the neck, with the ends hanging down in front, and is frequently of a colour corresponding to that in use at the church for any special season of the year.

The Maniple resembles the stole, but is smaller, and is worn by priests, deacons, and sub-deacons over the left arm.

The Tunic is the principal Vestment of the sub-deacon and the Dalmatic of the deacon. They vary very slightly in form. The Dalmatic is somewhat fuller and longer and is generally more richly ornamented.

The Chasuble, which from its four or five hundred years' exclusive use by Roman priests at Holy Communion has come to be considered the principal sacrificial Vestment, is a sleeveless garment, oval in shape and open at the sides, which is put on over the head like a vest or jersey. It generally has a cross embroidered at the back, and a stripe in front, but has sometimes a cross both back and front.

(The above are all known as the Eucharistic Vestments.)

The Cope is illegal when worn in a parish church. In shape it is an exact semicircle with a border on the straight side. The length of the straight side of a Cope when opened out should be 10 ft. The straight side when doubled is fastened across the chest by a clasp called a Morse. According to the Advertisements, the Cope is required in Cathedral and Collegiate churches on special occasions.

THE SURPLICE NOT A MASS VESTMENT

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THE article by Dr. J. Wickham Legg, entitled "The Surplice as Mass Vestment," which appeared in this Review for February, began with my name, and was in great part a violent and unprovoked attack upon me.

"Sir Edward Clarke," so the first sentence ran, "who has held a great place amongst the Law Officers of the Crown, can still surprise and astonish us when he has a Favourite Judgment to defend." And the writer went on to try to convict me of gross ignorance and rashness in expressing my belief in the soundness of the Ridsdale Judgment. But I was not the only subject of this vituperation.

It may be as well to give a list of those who come under the lash of Dr. J. Wickham Legg in the course

of his tempestuous article:-

- (1) The members of the Judicial Committee who gave judgment in the Ridsdale case. "They have fallen into a very gross error," so gross, "that it is impossible, so far as can be now seen, for the most ingenious advocate to clear their reputation."
- (2) Sir Edward Clarke. A passage from a letter of his to *The Times* is quoted, with the observation that "Comment on rash statements is clearly superfluous."
- (3) The *Encyclopædia Britannica*, for "a more subtle form of error" than Sir Edward Clarke's.
 - (4) Sir Charles Chadwyck-Healey. Asked to give

evidence before the Royal Commission on Ecclesiastical Discipline "because with these matters he was very conversant," he "gives no hint of being acquainted with the fact that the surplice is, or should be, worn under the albe and chasuble by the priests who minister to the largest body of Christians in the world."

- (5) Durandus. "His symbolism is stark naught."
- (6) Sir John Burchard. "The vile Burchard."
 "A Roman ritualist of the time, and also of the morals of Alexander the Sixth."
- (7) The five Bishops who formed the sub-committee of the Canterbury Upper House. Because in their report "they do not support the idea of the identity in origin of the cope and the chasuble."
- (8) The Concise Oxford Dictionary (1911), for "an insufficient definition of the chasuble."
 - (9) Roman Catholic writers on ceremonial.
 - (10) Dr. Rock.
 - (11) Mr. John Purchas.
 - (12) Dr. Frederick George Lee.
- "It is useless to quote Roman Catholic writers on ceremonial to men who have made anything like a careful study of the history of the Christian Vestments. It is a strange frame of mind that can nowadays appeal to Dr. Rock as an authority. Still less necessary is it to attend to anything to be found in the books of Mr. John Purchas or Dr. Frederick George Lee."
- (13) The English Clergy since 1559. "Peter Braun asks what the discontinuance of the vestments for so long a time may mean? I would answer: Merely the licence of the English Clergy."
- (14) The Roman Clergy on the Continent. "For not having an altar frontal of the colour of the day or office, a cushion to set under the missal, and a candle at the epistle side which is to be lit at the elevation of the Sacrament."

The reputation of Lord Cairns and Lord Selborne,

who were chiefly responsible for the Ridsdale Judgment, wants no clearing; it is quite beyond the reach of controversialists like Dr. J. Wickham Legg, but in making answer for myself I shall show that their Judgment was perfectly sound, and that it is only their assailant's reputation that is in peril. And although my friend Sir Charles Chadwyck-Healey is very well able to take care of himself, I will show that the accusation of ignorance rightly falls upon his

accuser, and not upon him.

In order to realize the absurdity of Dr. J. Wickham Legg's contention, and the arrogance of his language, it is worth while to examine the argument with which the Judicial Committee dealt in the Judgment, and to note by whom that argument was conducted. The whole question had been long and carefully considered by both parties to the litigation, for six years had passed since in April, 1871, the Judicial Committee, consisting of Lord Hatherley, the Archbishop of York (Thomson), the Bishop of London (Jackson), and Lord Chelmsford had decided, in the case of Hebbert v. Purchas, that the wearing of the chasuble, alb, and tunicle was illegal: and in the course of the judgment they said:—

"If the minister is ordered to wear a surplice at all times of his ministrations, he cannot wear an alb and tunicle when assisting at the Holy Communion: if he is to celebrate the Holy Communion in a chasuble, he

cannot celebrate in a surplice."

The correctness of that Judgment was disputed, and in the year 1876 the case of Ridsdale v. Clifton, which raised the same questions, was carried up by the ritualists to the Judicial Committee of the Privy Council, and it was urged that, as Mr. Purchas had not appeared or been represented before the Committee, and the decision had therefore been given after argument on one side only, the whole question ought to be fully re-argued before a very strongly constituted tribunal. This was agreed to, and in January, 1877,

the hearing took place. The Court was the strongest ever constituted for the hearing of a Privy Council case, as the names of the Judges will show: Cairns, Selborne, Kelly, Colvile, Smith, Collier, Brett, Phillimore, and Amphlett. With these were associated, as clerical assessors, Tait, Archbishop of Canterbury, and the Bishops of Chichester (Durnford), St. Asaph (Hughes), Ely (Woodford), and St. Davids (Jones).

Sir James Fitzjames Stephen and Mr. Arthur Charles argued for Mr. Ridsdale, having with them two most valuable juniors in Mr. Francis Jeune and Mr. (now

Sir) Walter Phillimore.

It is of this Court, so assisted, that Dr. J. Wickham Legg now speaks in terms of supercilious contempt. His wonderful new point which is to destroy altogether the authority of the Judgment and the reputation of the Judges had never been heard of by the very learned counsel just named, or had been set aside by them as worthless. For when the question arose of the wearing together of different garments, this is what took place:—

SIR JAMES STEPHEN: I am told the common practice is, that if a cope is worn, a surplice is worn under it; if a chasuble is worn, an alb, which is a surplice with close sleeves, is worn. If a cope is worn it is put on over the surplice, and if a chasuble is worn it is put on over an alb.¹

LORD SELBORNE: Do I understand you to say that a surplice and alb are not worn together?

SIR JAMES STEPHEN: You can wear them together, but it would be superfluous. Each is a white linen dress, the one having large sleeves and the other close sleeves. But, in illustration of this matter, and to conclude it, I was going to point out to your Lordships the passage in the Prayer Book of 1549, which I venture to say is conclusive of the possibility of wearing

¹ Folkestone Ritual Case, p. 140.

these garments together. It is at the latter end of the Prayer Book and is a part of "certain notes for the more plain explication and decent ministration of things contained in this book."

It is the second paragraph of these notes:

"And whensoever the Bishop shall celebrate the Holy Communion in the Church, or execute any other public ministration, he shall have upon him, beside his rochette, a surplice, or albe, and a cope or vestment; and also his pastoral staff in his hand, or else borne or holden by his chaplain."

There, it is obvious that the Bishop is required to wear two at least of these garments at the same time, besides his rochette, which makes three, and he is to have his pastoral staff. He is to wear a surplice or alb, and a cope or vestment, so that it is not only possible, but in the case of the very highest ecclesiastical dignitaries it is required and obligatory to wear two of these vestments.

The LORD CHANCELLOR: Not a surplice and an alb? SIR JAMES STEPHEN: Not a surplice and an alb. I was showing merely that the one does not exclude the other, that they are, so to speak, parts of the same uniform.²

During the argument for the respondent this subject was again mentioned, and Sir James Stephen said:

"Simply in order that your Lordships may know the respective positions of the parties in this matter, I may be allowed to say, that what I am instructed to state about these vestments is, that it is physically possible to wear the two at the same time, the alb and the surplice, just as it would be physically possible to wear a shirt and a surplice at the same time, and I believe that is commonly done. On the other hand, although physically possible to do it, it would not be a likely thing to be done, because the surplice being

² Ibid., p. 141.

¹ Folkestone Ritual Case, p. 141.

the larger garment of the two would cover over the other." 1

Upon this the Court said in its Judgment with unquestionable truth: "It was not seriously contended that albs or chasubles could in any reasonable or practical sense, or according to any known usage, be worn, or could be meant to be worn concurrently with the surplice."

Dr. J. Wickham Legg disregards the words I have put in italics, and then goes on to say that the Judges assumed that the wearing of the two linen garments one over the other, or the wearing of a chasuble over either, was "physically impossible." Of course, they

never said or assumed anything so ridiculous.

The surplice to which the Judgment referred was not the shortened and attenuated garment now used by Roman priests, and by their imitators in the Church of England, but the full, flowing garment with large sleeves referred to as "a comely surplice with sleeves" in the Advertisements with which the Committee was dealing.

The title of Dr. Legg's article contains his first mistake: "The Surplice as Mass Vestment." It never was a Mass Vestment.² There is a general agreement among writers of all schools as to its origin and history. Ancient and mediæval churches were very cold, and the priests were wont to wear fur cassocks or pelisses; and about the tenth century, or perhaps earlier, it became their custom to wear a long white garment with sleeves and without a girdle. Gradually it came to be recognized as a regular liturgical vestment, and as the ordinary dress of the minister at all times of his ministrations except at Mass.

Dr. Legg's mistake in calling the surplice a Mass Vestment is the more curious, as each of the quotations he gives to support it shows quite clearly, when carefully examined, that he is wrong. Take the first,

¹ Folkestone Ritual Case, p. 391.

² See Dearmer, The Ornaments of the Minister (1909), p. 128.

which is an extract from some statutes or regulations made by the Dean and Chapter of St. Paul's Cathedral for the conduct of certain priests who were allowed to celebrate Mass in the Cathedral. The regulation is that the said priests when preparing to celebrate were to put on a rochet or surplice over their ordinary clothes, "prius quam sacerdotalia superinduant vestimenta."

Durandus is quoted as speaking of a "praiseworthy custom in some places" of putting on a surplice or other white linen dress before putting on the first of the sacerdotal vestments. Then "the vile Burchard" is called as a witness, and a citation is given from his Ordo Missae of 1502.

This is like the direction in the St. Paul's statutes; the vestments are to be put on over the rochet or

surplice, "si commode possit haberi."

But Dr. J. Wickham Legg, to quote the words which he applies to the Judicial Committee, "seems to have taken the greatest pains to put himself thoroughly in the wrong," for he ends his quotations with an abstract from the Reformed Roman Missal which directs the secular priest to put on his vestments, "supra superpellicium, si commode haberi possit; alioquin, sine eo supra vestes communes."

These passages, taken together, are quite sufficient to make an end of the idea that the surplice was itself one of the Mass Vestments. The reason for these directions is obvious. In the fourteenth and fifteenth centuries the priest's ordinary outer garment, whether cassock, or pelisse, or habit, worn in all places and weathers, and lasting for years, would not always be clean, and it was a praiseworthy custom, as Durandus says, to cover it with a long linen garment to prevent the soiling of the delicate and costly Eucharistic vestments.

But Dr. Legg's next point is that because it is physically possible that a chasuble may be worn over a surplice, the Committee was wrong in holding that the direction in the Advertisements that the surplice should be worn at the Administration of the Holy Communion excluded and rendered illegal the wearing of the chasuble at that service.

To drive home that point he refers to the rubric of the Second Prayer Book of Edward the Sixth, which says that the curate shall have and wear a surplice only.

Dr. J. Wickham Legg forgets that this rubric was by virtue of the Elizabethan Act of Uniformity still in force, except so far as by the 25th section of that Act it was suspended or modified until the taking of further order, which was, in fact, taken promptly either by the injunctions and interpretations, or by the Advertisements.

But there is another and conclusive reason for holding that Dr. Legg is wrong, and the Judgment of the Privy Council right.

The sentences in the Advertisements which were

being considered were these :-

"In the ministration of the Holy Communion in cathedral and collegiate churches the principal minister shall wear a cope, with gospeller and epistoler agreeably, and at all other prayers to be said at that Communion table to use no copes but surplices."

"Item, that every minister saying any public prayers, or ministering the Sacraments or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charges of the parish, and that the parish provide a decent table, standing on a frame, for the Communion table."

Dr. Legg suggests that the omission of the word "only" after the word "sleeves" shows that the authors of the Advertisements intended to allow the use of the chasuble, or that, at all events, was the effect of the direction given. But in 1566 there were no chasubles in parish churches.

The five Bishops say in their Report dealing with

the period from 1559 to 1566:-

"There is no evidence whatever of the wearing of the chasuble.

"Chasubles appear to have been generally destroyed as 'monuments of superstition,' though occasional instances of their retention may occur.

"Sometimes they were sold by consent of the parishioners. . . . The chasuble was given to the poor, made into a covering for the pulpit or into cushions, or players' coats, or doublets. Sometimes it was burnt or defaced. In one place it became the cover of the Communion table. In another it was sold to set forward soldiers on their way."

There was no need to add a word to the sentence in the Advertisements to prevent the use of garments which were not in existence, or would have been promptly sold or destroyed if they had been discovered.

There is another matter which I would mention here, not in direct reply to Dr. Legg, but as to some extent removing the difficulty with respect to the so-called Ornaments Rubric. The Roman Church had and has two services—one the Holy Mass and the other the Holy Communion. In the former the priest alone receives the Sacrament in both kinds, and offers a propitiatory sacrifice for the living and the dead. In the service of the Administration of Holy Communion he distributes to the congregation the wafers which have been consecrated at the Mass.

At the Mass the celebrant wears the chasuble, which has been placed upon him at his consecration as priest in token that he was authorized to offer the Holy Sacrifice and to absolve the penitent. At the Administration of Holy Communion he wears the surplice and stole, as he is ordered to do when administering any of the Sacraments of the Church.

In the First Prayer Book of Edward VI the Canon of the Mass was displaced by what was substantially

¹ Five Bishops' Report, p. 69.

a new service, but in it the "altar" was frequently mentioned, and a rubric spoke of "the whole body of our Saviour Christ" as being received in each fragment of the broken bread. The service was called "The Administration of the Lord's Supper and Holy Communion, commonly called the Mass," and it was not strange that for such a service the old Mass vestment should be prescribed.

But in 1552 all was changed. The idea of a sacrifice offered by the priest for the sins of the living and the dead wholly disappeared; the altar was heard of no more, the service could no longer be associated with the name of the "Mass"; it was "The Administration of the Lord's Supper or Holy Communion," at which the minister is not allowed to communicate alone, but must have to communicate with him "a convenient number." but never less than three.

convenient number," but never less than three.

To such a service the use of a chasuble would be absolutely inappropriate. The natural vesture would be the surplice to which the people were already accustomed, for it was the vesture in which the priest was wont to be robed when they received the Holy Sacrament.

It will be useful to consider the reason for which the memorandum, now known as the Ornaments Rubric, was inserted in the Prayer Book of 1559. It does not appear to me that there was any fraud or even any mistake in the memorandum itself. The mistake was that the rubric of Edward's Second Prayer Book expressly forbidding the use of alb, chasuble, or cope was not reprinted, as it should have been, immediately before it. For, subject to the proviso to which the memorandum refers, that rubric was unquestionably the law of the land.

The statute of 1552 which brought the Second Prayer Book of Edward into force was repealed by Mary. Elizabeth's Act of Uniformity repealed the statute of Mary as from the 24th of June, 1559, and proceeded to re-enact the book with certain slight

specified alterations, neither of which affected the rubric which provided that the surplice only should be in use.

The proviso said that until further order the Ornaments of the Church and the ministers under the First Prayer Book of 1549 should be retained and be in use, and these words were repeated in the memorandum.

It is clear that they must be read with some limitation. All the ornaments could be retained, and it was no doubt desirable that none of them should be made away with, but they could not all be used. The Chrysom could not, for the practice of anointing with oil at Baptism had been abolished.

The Pyx could not, for that was used to carry about the reserved Sacrament, and the limited permission to do this for a sick person which was given in the Prayer Book of 1549 was removed from that of 1552, and the bread and wine were to be consecrated in the sick person's presence.

The Chrysom and the Pyx, the latter often of very great value, were to be retained, but they could not be in use; and the true meaning of the sentence would be fully expressed by the words "shall be retained, and so far as they are necessary or appropriate to the prescribed services shall be in use."

That this was the general understanding of the proviso and the memorandum is clear. Directly Mary died the chasubles were disused.

If contemporary interpretation is of any value as evidence, the fact that bishops, priests, and people immediately and universally accepted this as the meaning of the memorandum, and acted upon it for three hundred years, appears to me to be conclusive.

Dr. Legg says that he pointed out that the surplice was and is still worn at Mass in a letter to the *Guardian* in June, 1877, and complacently adds: "I do not

¹ See this question fully dealt with in the Bishop of Manchester's recent "Open Letter to the Archbishop of Canterbury."

know of any attempt to confute the position there

taken up."

That is true. Neither the editor of the Guardian, nor any of its contributors, took any notice of the great discovery. And when the Royal Commission on Ecclesiastical Discipline was sitting from 1904 to 1906, although Lord Halifax, Mr. Frere, Mr. Pullan, Mr. Percy Dearmer, Canon MacColl, and Mr. Denny were among the witnesses called, we heard nothing about this fatal objection to the Ridsdale Judgment. A modest controversialist might have concluded that his new point was, after all, not so important as he had supposed. But that is not Dr. Legg's way. He fell upon witnesses and Commissioners alike.

Dr. Griffith Thomas spoke with respect of the Report of the Commission, and thereupon Dr. Legg wrote to the Guardian to say that "if the Principal of Wickliffe Hall chooses to grovel before the utterance of an unlearned Commission no one can hinder him," and some demur being made to this he wrote again and said:

"In several cases it has seemed to me that witnesses and Commissioners were both wanting in information on the subject about which they were talking. If Dr. MacColl, Mr. Frere, and Lord Halifax made but a poor figure before the Commissioners, does it follow that Dr. Gibson, Sir Lewis Dibdin, and Sir Edward Clarke are masters of history and theology?"

In the latter part of his article Dr. Legg tries to establish a yet more extravagant proposition—that the cope and the chasuble are the same vestment. He says: "Suppose the cope and the chasuble should turn out to be the same vestments, or to have a similar origin, where shall we be then?" Now the question whether they have a common origin does not matter at all to anyone.

It seems probable that they had, and that the lacerna, which is said to be the early form of the cope,

¹ Guardian, the 7th of November, 1906.

was itself only a convenient modification for ordinary use of the circular paenula which had an opening in the centre for the head and hung down below the knees. But authorities are all agreed that the paenula has, by various alterations in shape, become the modern chasuble. The full circular cloak was inconvenient for manual acts at the altar, and one expedient for meeting the difficulty was the placing of a button on each shoulder, and by means of a cord inside the garment looping it up so that the arms were comparatively free. I am told that a garment of this character is preserved at the Cathedral at Sens, and is believed to have been worn by Thomas à Becket. But the definite change was made by cutting away the sides so as to leave the arms quite free. This brought the chasuble to something approaching its present form. For centuries before the Reformation it had been called the Sacerdotal garment.

On the other hand, the cope, whether directly or indirectly derived from the paenula or not so derived at all, was during those centuries a separate and dis-

tinct garment.

"Thus it came to be a general vestment of splendour, used when the chasuble was not worn (as in processions and non-Eucharistic rites), and by those who did not wear the chasuble, such as the chanters in choir. It has never been a distinctly clerical vestment."

To suggest, as Dr. Legg does, that in the sixteenth century "cope" and "chasuble" were interchangeable terms is to disregard every scrap of historical evidence.

I know nothing of Dr. J. Wickham Legg except his name, and the fact, which he mentions in his article, that he is not a clergyman of the Church of England. But whatever his professional or other qualifications may be for dealing with the subject of ritual, he has shown in this case that he is by no means infallible.

¹ Dearmer, The Ornaments of the Minister (1909), p. 89.

He is an Ishmael of debate, whose hand is against every man; he speaks with anger and contempt of every one with whom he has the misfortune not to agree; he cannot expect that they will always accept his blows without making suitable acknowledgment. In truth his wonderful discovery is a mere blunder; and the terrible explosive which was to destroy the whole fabric of the Ridsdale Judgment splutters out like a Roman candle, and does no harm at all.

THE CHURCH SCOUT'S PRAYER BOOK

CORRESPONDENCE

SIR EDWARD CLARKE TO SIR ROBERT BADEN-POWELL

[Copy.] Peterhouse, Staines, May 23, 1913.

Dear Sir Robert Baden-Powell,—As one who has taken much interest in the Boy Scout movement, and is himself President of the Boy Scouts of this district, I feel bound to write to you with respect to a little book called *The Church Scout's Prayer Book*, which has just come to my notice. I was not aware that any body of so-called Church Scouts existed, and I am very sorry that it should be so, for it seems to me a great pity that a national movement for training the boyhood of the Empire should be anywhere limited and weakened by sectarian differences.

I find, however, that a body has recently been established which is called the Incorporated Church Scout Patrols. It is clearly not for this curiously named corporation that this Prayer Book in intended, nor has it the authority of the Church Lads' Brigade, for I ascertained this morning that it was not known

at their office at Aldwych House.

The preface speaks of "the 135,000 Scouts in Great Britain," which must refer to the body you have established, and says the book is offered to "the Boy Scouts." I will give a few extracts from its contents.

It sets out what is called in the head-line "The Holy Communion Service." Instead of using the phrase in

the Prayer Book of the Church of England, which says "the priest shall then place upon the table so much bread and wine as he shall think sufficient," this Church Scout's Prayer Book says:—

"The Priest now puts the Bread and the Wine on

the Altar and offers them to God."

After the prayer of humble access, and before the prayer of Consecration the following is inserted:—

"You may say now what people said on Palm Sunday,

when our Lord came in triumph to Jerusalem.

"Blessed is He that cometh in the Name of the Lord; Hosanna in the Highest.

"Then say a prayer such as Christians have been

saving for over 1500 years :-

"Send down, O God, Thy Holy Spirit upon us and on these gifts of Bread and Wine, and make this Bread the Body of Thy Christ and this Cup the Blood of Thy Christ. Amen."

Non-communicating attendance is specially provided for, and the last three pages are devoted to inculcating

the practice of confession to a priest.

"Remember that the difference between the Roman Catholic Church and the Catholic Church of this country is, that the Romans say, 'You must and you shall go to Confession'; the English Church says, 'You may go and there is the benefit of Absolution'; but we think it is wrong for any one to be forced to go. . . . On the day. Get to the church ten minutes before the time appointed. . . . Then say, if you wish, Hymn 108.

"When the clergyman is ready, go and kneel down; use this form. . . . After Confession. Do not go out of the church without kneeling down to say 'Thank

You.' God has forgiven you."

I do not ask you to express any opinion on these passages; that is a matter for discussion elsewhere; but I hope you will be able to assure me, and all Protestant Churchmen who have in any way helped the Boy Scout movement, that you, as Chief Scout,

and those who are associated with you in this national work, have not authorized or approved or adopted this book.

I am, dear Sir Robert, faithfully yours,

EDWARD CLARKE.

Lieut.-General Sir R. BADEN-POWELL, K.C.B.

SIR ROBERT BADEN-POWELL TO SIR EDWARD CLARKE [Copy.] May 27, 1913.

The Rt. Honourable Sir Edward Clarke, P.C., K.C., Peterhouse, Staines.

Dear Sir Edward Clarke,—I acknowledge with thanks your letter of May 23, in reference to what is known as the *Church Scout's Prayer Book*. I have no personal knowledge of this book, but I have communicated with the office and am informed that it was compiled as a private venture, and coming to us with the sanction of the Archbishop of Canterbury, we were not in a position to decline to accept it when already the Roman Catholic Church had compiled a similar Prayer Book.

It is open to question whether the title is misleading; and on this point we understand that an alteration

will be made by the publishers.

You will readily perceive that in the Scout organization there exist men and troops holding every form of theological opinion. We are only concerned that, in accordance with the Scout Promise, education should have a religious basis. It is, therefore, open to anybody holding views not quite in agreement with those enunciated in the book under review, to publish one more suitable to their requirements.

All that we are concerned to do is facilitate the circulation of Prayer Books which issue under the definite sanction and authorization of the Heads of Churches concerned who are officially represented on

our Council.

The view is largely held that the Book of Common Prayer is quite sufficient for all purposes, but we cannot undertake to run counter to the pronouncement of a Church, our Council expressing neither approval or disagreement.

I hope that I have made the position clear to you,

and to those for whom you speak.

I am, dear Sir Edward Clarke,
Yours very faithfully,
ROBERT BADEN-POWELL.

MEMORIAL TO PRIMATE, JULY 22ND, 1913

THE LAYMEN'S COMMITTEE

FOR RESISTING THE PERMISSIVE USE OF ILLEGAL VEST-MENTS AND THE INTRODUCTION OF ROMISH DOC-TRINES AND PRACTICES INTO THE TEACHING OF THE CHURCH OF ENGLAND

To His Grace the Lord Archbishop of Canterbury

My Lord Archbishop,-We, members of the above Committee, whose names are appended to this letter, are loyal members of the Church of England, and are deeply attached to the pure and Scriptural principles and forms of public worship which were re-established in this country at the time of the Reformation. We have heard with much concern that a little book entitled The Church Scout's Prayer Book has lately been published, bearing your Grace's name on the cover, and containing a commendatory preface by your Grace, which contains matter that appears to us to be inconsistent with the teaching of our Church as set out in the Articles and the Book of Common Prayer. We feel assured that your Grace cannot have been fully acquainted with the character and contents of the book when your sanction was given to its appearance under your Grace's name. The question is of urgent importance, as it has been stated by the authorities of the Boy Scouts that they were not in a position to decline to accept it and give facilities for its circulation, since it came to them with the definite sanction and authorization of your Grace as the ecclesiastical head of the Church of England.

We most respectfully beg your Grace to examine the contents of this little book; and we earnestly hope that upon reconsideration your Grace will see fit to withdraw your sanction from it, or to require such a revision of its contents as may bring it into conformity to the doctrines of the Church of England.

With the assurance of our profound respect,

We are, Your Grace's obedient servants,

REPLY OF ARCHBISHOP

[Copy.]

Lambeth Palace, S.E., July 25th, 1913.

To the Secretary of the Laymen's Committee

Dear Sir,—I have given attention to the Memorial sent to me with your covering letter of July 22nd. The gentlemen who have signed the document may rest assured that I do not regard lightly any expression of opinion emanating from so large a number of those who have at heart the interests of the Church of England, and, presumably, of the particular Association some branches of which desire to use the little book to which the Memorial alludes.

I gather from the terms of the Memorial that those who have signed it do not claim to be themselves acquainted with the book, but to have heard that it contains matter which appears to them to be inconsistent with the teaching of the Church of England. Should they read the little Introduction referred to they will see that it was guardedly written, and that

encouragement was given to the issue of other books of a corresponding kind which might present the truths of our Faith in a setting which would be acceptable to some who do not find this book appropriate to their

own requirements.

I have already arranged with the compiler that should a re-issue of the little Manual be called for (and I gather that this is probable at an early date) he should consult with me as to the criticisms which the book has elicited from different quarters with a view to any improvement or amendment of it which may be desirable.

I am, yours very truly,
(Signed) RANDALL CANTUAR.

SIR EDWARD CLARKE TO THE LAYMEN'S COMMITTEE

14 Oct., 1913.

Dear Sir,—In my letter in which I sent you the reply of the Archbishop of Canterbury to the protest of the Laymen's Committee against the circulation under his Grace's name of *The Church Scout's Prayer Book*, I said it might be necessary to take vigorous public action to procure the withdrawal of that book.

I am glad to say that no such action is required, as a second edition has now been published which has been subjected to a drastic revision and has been purged of the matter to which we took most grave exception. I enclose a memorandum which shows some, and those the most important, of the many

alterations.

You will see that the prayer which distinctly expressed the doctrine of Transubstantiation has now been altered so as to accord with the Protestant doctrine of the Church of England, and the other amendments have been in the same direction. It must have needed firm pressure on the part of the Archbishop to induce the author of the book to submit

to this revision, and we have to thank His Grace for

his action in securing this result.

It is, of course, greatly to be regretted that the Archbishop inadvertently, and under the pressure of many duties and responsibilities, permitted his name to be associated with a disloyal and mischievous book, and there are many copies in circulation bearing his name on the cover. But all who in future use or distribute those copies of the first edition will know that they untruly represent that the Primate of the Church of England assents to teaching which directly contradicts the Articles and formularies of our Church.

I am, Dear Sir, faithfully yours,

EDWARD CLARKE.

THE CHURCH SCOUT'S PRAYER BOOK

First Edition, May, 1913.

Second Edition, Aug., 1913.

An explanatory Preface is inserted.

Page 19.

Go to your clergyman and ask him to pronounce God's forgiveness.

Go to your clergyman, and ask him to advise you and help you to obtain the assurance of God's forgiveness.

Page 33.

SEND DOWN, O GOD, THY HOLY SPIRIT UPON US AND ON THESE GIFTS OF BREAD AND WINE, AND MAKE THIS BREAD THE BODY OF THY CHRIST AND THIS CUP THE BEOOD OF THY CHRIST.

SEND DOWN, O GOD, THY HOLY SPIRIT UPON US AND ON THESE GIFTS OF BREAD AND WINE, THAT THEY MAY BE FOR US THE BODY AND BLOOD OF THY SON JESUS CHRIST.

First Edition.

Second Edition.

Page 34. Note the following Prayer of Consecration:

If you are going to receive, turn on to the next page.

If you are NOT going to receive, turn on to the pages with a black border (pp. 38, 39).

Page 36. Approach.

Now let all your thoughts be fixed on Jesus, how He lived and what He did. He is still the same and He is coming to you.

Page 38.

These pages are to be used if you are NOT receiving.

Jesus Christ is present: so now you will be very busy.

Page 40. The Prayer of Oblation.

(Note.—Sometimes another prayer is said instead of this one.)

While waiting to communicate, say the prayers on the opposite page.

If you are NOT yourself receiving the Holy Communion on this occasion, you may turn to pages 38, 39.

Now let all your thoughts be fixed on Jesus, how He lived and what He did. He is still the same, and He is waiting for you.

(These pages are provided for those who are at any time present at a celebration of Holy Communion without receiving.)

Use these pages if you are NOT receiving.

Be mindful of our Lord's presence. There may be some little time to wait while others are communicating; use the time.

This Prayer OR the next is now said.

(Here the alternative Prayer from the Holy Communion Service is inserted.) First Edition.

Page 42.

A Prayer before Leaving the Church.

(If you have not received.)

Second Edition.

A Prayer before Leaving the

The words in brackets are omitted.

Page 58.

Prominent among the Saints is our Lord's Mother. She is called in the Prayer Book "the Blessed Virgin Mary" or "Our Lady." Her name occurs five times in our Kalendar.

Prominent among the Saints is our Lord's Mother. Her name occurs five times in our Kalendar.

Page 62.

No Christian need ever carry about a burdened conscience. For the Bible and the Church have provided for this difficulty: the Prayer Book says: etc. No Christian need ever carry about a burdened conscience. He can at any time bring to the Lord Who knows him and loves him the sorrows or mistakes of daily life, and God will hear and answer his prayer. If there be still something which he is anxious or unhappy about in his life and behaviour, he can go further. For the Bible and the Church have provided for this difficulty: the Prayer Book says: etc.

Page 63.

Remember that the difference between the Roman Catholic Church and the Catholic Church of this country is, that the Romans say, "You MUST and you SHALL go to Confession";

Remember what is the position of the Church of England in this matter; it would be against our teaching to say, "You MUST go to Confession"; the English Church says, "You

First Edition.

the English Church says, "You MAY go and there is the benefit of Absolution"; but we think it is wrong for anyone to be FORCED to go.

Page 63. When to go?

Whenever you cannot quiet your own conscience and feel happy at the Holy Communion.

Page 64. The Absolution.

Second Edition.

MAY go and there is the benefit of Absolution"; but we think it wrong for anyone to be practically COMPELLED to go.

Go, if you feel, after saying your prayers, that you cannot quiet your own conscience and be happy at the Holy Communion.

Before the Form the following words are inserted:—

(As provided by the Prayer Book (in "The Order for the Visitation of the Sick") for those who make a private confession.)

THE LAW AS TO VESTMENTS

Reprinted from the Newcastle Daily Chronicle of 22nd November, 1913

At the recent meeting of the Newcastle branch of the English Church Union, a lengthy document, signed by five vicars, was read, which professed to be a reply to a speech made by me at a meeting of the National Church League. The interesting thing about this document is that it contains no denial of the statement of which it complains.

I said in my speech, and repeated it in my published letter, that the use of the Mass Vestments was illegal, and was known to be illegal by those who used them.

That statement is not denied. Indeed, these vicars themselves state that in the judgment of the Judicial Committee of the Privy Council, in the case of Ridsdale

v. Clifton, "they were pronounced illegal."

The vicars say that decision was wrong. That is not at all unusual. The defeated litigant always says so. The answer is that it was the judgment of the Supreme Court of Appeal in ecclesiastical causes, and that Lord Cairns and Lord Selborne and their colleagues, with episcopal assessors, constituted the strongest court that was ever assembled to deal with a matter of ecclesiastical discipline.

Then the vicars say that they do not accept the authority of the Judicial Committee as a Spiritual

Court.

It is not, it never has been, and has never pretended to be, a spiritual court; it has never decided as to the truth or falsehood of any doctrine; what it has decided is, whether doctrines and practices are, or are not, consistent with the rules and formularies which the clergy of the Church of England have solemnly pledged themselves to observe. The question of the wearing of vestments is not a spiritual question.

No one alleges that the efficacy of the Holy Communion as a means of grace depends on the dress which

the priest wears when he administers.

The question in Ridsdale v. Clifton was one of interpretation of the statutes and rules which govern the Church, and no more competent tribunal could possibly be found to decide such a question than the court which decided the Ridsdale case, and examined and

affirmed the decision given six years before.

The vicars quote the alleged statement of Professor Stubbs, before he became a bishop, that the judges in that case made no mistake, but were guilty of a barefaced falsification of documents. I am sure the vicars do not believe that charge to be true; and in quoting it they are only repeating a baseless accusation and doing dishonour to the memory of a bishop against whose character no imputation has ever been made except in the allegation, which I hope was untrue, that in a moment of disappointment, and writing a private letter to an intimate friend, he used those violent and foolish words.

The vicars also quote Sir Fitzroy Kelly, but not quite correctly. He admitted that he might "have hazarded the opinion that there was much of policy rather than of law, though perhaps unconsciously to themselves, in the judgment of the majority of the judges." They should, I think, have quoted the closing words of his letter of apology to Lord Cairns, in which he expressed his hope "that any question which may now be in doubt or unsettled may be resolved by a deliberate judicial determination, and that the law, as now laid down by the Court of the Privy Council, may in the meantime be honestly and conscientiously conformed to and obeyed."

The members of the Commission on Ecclesiastical

Discipline entertained no doubt as to the binding

authority of that decision.

One of the questions we sent out to the bishops was: 'Have you called the attention of your clergy, as a body or individually, to the illegality of the use of the Eucharistic Vestments in their churches; or have you in any way sanctioned or permitted their use?"

We stated the law as laid down in Ridsdale v. Clifton; and while pointing out that the judgments of the Privy Council were open to reconsideration by the Court itself, we added: "This, however, cannot be considered as affecting the authority which these decisions have as the latest judicial interpretation of the rubric."

In the report the breaches of the law with respect to which evidence had been given were divided into two categories: "(1) Illegal practices which do not appear to have any significance beyond that which directly belongs to them as showing a disregard of the exact requirements of the law; and (2) Illegal practices which, either from their nature, from historical association, or from some other cause, appear to have a significance beyond that which the practices in themselves possess."

The first "illegal practice having significance" which is dealt with is the use of the Eucharistic Vestments. As the vicars make reference to the report of the five bishops, it is as well to note that the principal author of that production signed the unanimous report

from which I have been quoting.

It may be as well to make an end of this discussion by quoting the two books which are the best authorities on the laws affecting the Church and clergy.

One is *The Law of Church and Clergy*. Sixth edition. Sir Charles Alfred Cripps (now Vicar-General of the Provinces of Canterbury and York):—

"The minister, while officiating at the Holy Communion, is not permitted to wear the chasuble, the alb, or the tunicle" (p. 423).

The other is the treatise on Ecclesiastical Law, prepared by the late Dr. Tristram, K.C., Judge of the Consistory Court of London, and published in "The Laws of England, being a complete statement of the whole law of England by the Earl of Halsbury and other lawyers" (1910):—

"While the general standard of ornaments of the ministers is that established by authority of Parliament by the directions contained in the first Prayer Book of Edward VI, Queen Elizabeth's Act of Uniformity, and the further order taken thereunder, engraft on this standard a qualification that as to the vestures of parish ministers the surplice, and not the alb, vestment, or tunicle, should be used at all times of their public ministrations, and that a cope may not be used except at the ministration of the Holy Communion in cathedral and collegiate churches" (Vol. II, p. 674).

I should like to close my reply to the vicars by commending to their attention one further passage from the Report of the Royal Commission:—

"That a section of the clergy should, with however good intentions, conspicuously disobey the law, and continue to do so with impunity, is not only an offence against public order, but also a scandal to religion and a cause of weakness to the Church of England" (p. 76).

THE THREE BISHOPRICS ACT, 1913

A CURIOUS CHAPTER OF PARLIAMENTARY HISTORY

Reprinted from the Church Gazette, January, 1914

THE need for more Diocesan Bishops in the Church of England has become increasingly urgent during the last few years, and in the year 1912 a Bill which had at a previous time been passed by the House of Lords, but through being introduced late in the Session had always failed in the House of Commons, was reintroduced into the House of Lords by Lord St. Aldwyn. It was entitled "A Bill to facilitate the foundation of new bishopries and the alteration of dioceses, and to amend the Bishops Resignation Act, 1869, and for other matters incidental thereto."

This was a very objectionable Bill; for it gave power to the Crown upon the recommendation of the Ecclesiastical Commissioners, and with the consent of the Archbishops and Bishops affected by their proposals, to found new Bishoprics, to alter boundaries of existing dioceses, to found Deans and Chapters, to transfer patronage and endowments, and to annex benefices to Deaneries, without making any provision for public notice of the intended arrangements or any public inquiry as to the merits of the scheme.

It is significant, in view of what happened in the following year, that this Bill was not brought down to the House of Commons until very late in the Session, being read a first time and ordered to be printed on July 29. Lord Kinnaird had given notice in the House

of Lords that it would not be allowed to pass into law without opposition, and directly it was set down for second reading in the House of Commons, five notices of opposition, three in the names of Unionists, and two from the Radical side, were put on the Order paper. The Prime Minister refused to allow the Bill to be starred as a Government measure, and it died with the Session.

In view of its probable revival in another session, amendments were prepared, and were adopted by the National Church League, providing that in the case of a new diocese being created, public notice should be given and inquiry held as in the case of a scheme for an endowed school or the formation of a university; and a Bill was printed by the League showing the original Bill with the amendments inserted. These amendments were brought to the notice of Lord St. Aldwyn, who did not himself see any objection to the principle of inquiry; but others appear to have taken a different view, and the Bishoprics Bill was not again introduced.

Instead of that Lord Hugh Cecil introduced in the House of Commons on March 13, 1913, a Bill for establishing three new Bishoprics for Sheffield, Chelmsford and Suffolk. This was read a first time and ordered to be printed, and May 5 named for the second reading, and motions from both sides of the House for its rejection promptly appeared on the Order Book.

For five months the Bill was not heard of again,

and the last week of the Session arrived.

Friday, August 15, had been fixed for the prorogation, and, to the surprise of supporters and opponents alike, the Orders of the day for August 12 contained this Bill starred as a Government measure. The Bishop of St. Albans, at a Diocesan Conference later in the year, said that "all hope of getting the Bill through had been given up, when in the last few days of the Session the whole position was changed by agreements a little difficult to explain." Those agree-

ments certainly were of rather a singular character. Certain Bills had been prepared, eleven in number, which were of the character of private Bills, and were introduced as public Bills to save expense to their promoters. One of them was a Bill to enable the Hulme Trustees, who were possessed of twenty-eight livings, and were under some restrictions as to presenting to those livings which were found inconvenient, to sell fourteen of these livings otherwise than by public auction, and to apply the proceeds to purposes of secular education. One dealt with the management of a hospital at Bournemouth. The other nine transferred the endowments of certain Dissenting Chapels to the Congregational Unions of the counties in which they were situate, or gave Parliamentary sanction to the existing trusts. Of these Chapels five belonged to the Pædo-Baptists, one to the Wesleyans, and in one case, that of the Wibsey Independent Chapel, the doctrines which were to be preached in the Chapel were set out in the schedule to the Bill.

Some of these Bills appeared on the Order paper just before the Bishoprics Bill, and like it were starred as Government measures.

About three o'clock in the morning of August 13 the real Government business was disposed of and these orders were reached. Upon the motion of Mr. W. W. Benn, a Government whip, the Chapel Bills were read a second time. Then the Three Bishoprics Bill was called on, and Mr. King, who had an amendment down on the paper, called attention to the very curious proceedings which were going on. He said: "On the paper there are notices of opposition to this Bill from no less than seven members on both sides of the House, therefore it cannot be considered an agreed Bill by any means. In the second place, when the Prime Minister this afternoon indicated what Bills would be taken, he did not mention this one. Besides this, no notice of it was placed on the board outside showing the Bills that are to be taken in the present sitting.

"Shortly after midnight, I spoke to the Hon. Member for the Walton Division of Liverpool in the lobby as he was leaving the House. I called his attention to the fact that the Bill to which he had given notice of opposition was going to be taken. He took me to the notice board and showed me that it was not down there."

Col. Chaloner moved a reasoned amendment, which, however, was not seconded, and on a division the Bill

was read a second time by 64 to 16.

The Division list is of interest, for those who followed Lord Hugh Cecil into the lobby were not the persons with whom he is usually associated. Mr. John Redmond and his son headed a party of twenty-seven Nationalists, of whom twenty-five were Roman Catholics. They were supported by a compact body of Nonconformists headed by the Rev. G. Towyn Jones, and shepherded by Mr. W. Jones, the whip of the Welsh party. Five Liberal whips and two Unionist whips were found in that lobby, and Mr. Keir Hardie with two Labour Members completed the representation of the Coalition which Lord Hugh Cecil has so fiercely denounced at Unionist meetings and Welsh Church demonstrations.

Of course the Coalition prevailed, and at a quarter past three in the morning of the 13th, the second

reading was carried.

Lord Wolmer is reported in the Church Times of November 21, 1913, as having given a graphic account of these circumstances at the Southwark Diocesan Conference. He said: "The Bill for the Bishoprics of Sheffield, Chelmsford, and St. Edmundsbury and Ipswich was passed through the House of Commons last August. It only passed through because some of its most active opponents happened to be away; and Churchmen allowed every facility for the passage of, he thought, twelve Nonconformist Chapel Bills as a sort of bargain by which they were able to get through their own Bishoprics Bill. None of the Bills were

considered by the House. They were passed at three o'clock in the morning and in a formal manner, and became Acts of Parliament without the outside world or those interested in the question knowing what had

happened."

At seven o'clock in the evening of the same day the Bishopries Bill was passed through Committee, read a third time, and sent up to the House of Lords. But this was not done without a further stipulation on the part of Mr. King. He was master of the situation, for at that time the slightest delay or opposition would have defeated the arrangement, and it appears that there were five other Chapel Bills of this class which had not been printed, and could not possibly be got through. So he rose when the Bishoprics Bill went into Committee and asked that an undertaking might be given that these five Bills should be allowed to pass without opposition in the Session of 1914. He said that he saw Lord Wolmer as well as Lord Hugh Cecil on the Unionist side of the House, and that if they would give their joint undertaking he would accept it as a pledge which would bind their party. Thereupon Lord Hugh Cecil in gracious terms gave him the pledge he asked for, and the Bill passed through Committee, and was read a third time.

It appeared in the House of Lords on the evening of the 14th; the Standing Orders were suspended, and it passed through its three readings in the space of a few minutes, Lord Salisbury expressing his thanks to the Government, and particularly to the Prime Minister, for assistance which had been given to the measure. He was perhaps a little ungrateful in not extending his thanks to Mr. Redmond and Mr. Keir Hardie and the Rev. G. Towyn Jones for their very useful co-operation. The vision crosses the mind of the small boy who defined a lie as an abomination unto the Lord, and a very present help in time of

trouble.

This strange story may as well be completed by

another extract from Lord Wolmer's speech at Southwark, which will be found in the *Standard* of November 20, 1913. The noble Lord said: "By an extraordinary mistake in the last Bishoprics Bill one diocese had got a wrong church put in as a cathedral, and that was because those who knew of it did not expect the Bill to pass, and the enemies of it were absent."

PRAYER BOOK REVISION

SPEECH AT THE ANNUAL MEETING OF THE NATIONAL CHURCH LEAGUE, MAY, 1915

I RISE now to move that the Annual Report be adopted, and that the Council and other honorary officers, whose names are printed with the Report, be elected, subject to their consent, for the ensuing year. have been reminded in the statement which the Secretary has just made, in which he epitomized the Report which will shortly be, in print, in your hands, that there are very many branches of work in which the National Church League is actively and constantly engaged. And you have been reminded in the prayer which Prebendary Webb-Peploe offered, that the work of the League is a work which requires to be done more earnestly and not less when the nation is under a terrible stress of anxiety and crisis. I do not propose to deal with the different parts of our work in the speech which I make to you this afternoon, because I want to deal specifically and fully with that which I think is a most important matter for members of the National Church League, and for the laity of the Church of England in general. It is just twelve months—it was on May 12 last year-since we had our Annual Meeting, and then we were faced with two subjects of great importance on which we felt anxiously. One was Kikuyu, and the other was the revision of the Prayer Book. I propose to leave till this evening what I have to say in regard to Kikuyu, as I am anxious to deal fully, as there are a great many of our staunchest

friends and supporters present who may not be able to be here this evening, with the question of Prayer Book Revision. You have been reminded by the reading of the Report of an Address that was sent to the Archbishop of Canterbury some few weeks ago, praying that the discussions on the proposals for revision should be postponed until the war was concluded. That memorial was arranged and inaugurated by the Committee of the National Church League, but the signatories did not all of them belong to our body. We desired to make it as widely and as influentially representative as possible of the Church, both clergy and laity. The Archbishop, in his reply to that Memorial, said that he undertook that the proposals for revision shall not be submitted to the Church at large, in the Representative Church Council, or in the Houses of Laymen, until the war shall be concluded. I take that to be a very, very valuable concession. But the discussions in Convocation have gone on, and to tell you the truth that passage in the Report which speaks of regret at those discussions continuing does not quite at this moment represent my own mind, for the discussions have taken a turn which is so unexpected and so satisfactory that I cannot bring myself to regret that Convocation has in some matters dealt with this question.

I will explain the exact position to you now. Twelve months ago, when we were discussing this matter, proposals were before Convocation for altering very seriously the form of the service of Holy Communion, altering it in a way to which many of us have a strong objection. A little before the time we met, on May 12 last year, a Memorial had been presented to the Archbishop in a letter from myself of April 27, 1914, and the Memorial stated that the proposals hitherto approved by the Houses of Convocation, so far as they related to the Office of Holy Communion, tended in combination to change the outward character of the service from that of the traditional service of the

Reformed English Church to that of the traditional service of the Church of Rome, and that they would be firmly resisted. To this Memorial we got over fifty thousand signatures in the course of a little over three weeks. This Memorial was presented to the Archbishops, as I have shown you, just before the end of

April last year. Just before our meeting another incident had taken place which has gradually in my own eyes assumed greater importance. I refer to the passing in the London Diocesan Conference of a motion which I had proposed. On May 7 last year, in the London Diocesan Conference, I proposed this resolution: "That this Conference is of opinion that the published proposals of the Houses of Convocation for the Revision of the Book of Common Prayer are not calculated to promote the unity of the Church." And in the speech I made, addressing myself to that resolution, I made a protest against the proposed alterations in the Communion service. That resolution was carried unexpectedly, by a very small majority I agree. But the mere fact that it was carried was significant at the time; I think it is significant and has been ever since. In the course of the debate I said it was intended as a warning that the proposals which were then before Convocation and had so far been approved would be met by a very strong resistance. Well, whether the Memorial to the Archbishops has had much effect, or whether the carrying of that resolution in the London Diocesan Conference has had much effect, it is not for me to say, and I do not care to speculate, but the effect has been produced, and the attitude which was taken by us and by others who sympathized with us in this matter, has very materially modified the action of Convocation. In that debate I objected, I said, to the alterations to be made in the Communion service, and I said there was a way out of the difficulty which might now wisely be taken. That was to leave the arena of controversy surrounding the service of Holy Communion, if it could be agreed to leave that service as it stands, and to deal with other services, carrying out alterations where there might be a prospect of useful changes being made without distracting the unity of the Church. Now I am glad to say that that has been achieved. The proposal for altering the Communion service has now been discussed and has been rejected by the Bishops of the Southern Province by a majority of 15 to 5, at least as unexpected a majority as that which carried my resolution in the London Diocesan Conference. But I believe it to be done, that the matter is conclusive, and that we have no further need for anxiety lest there should be any interference with the Office of Holy Communion which would alter the doctrinal basis of that service, and disturb and offend the convictions of many people.

With that something else, I think, has been gained, something of very great importance. A resolution was passed in the Lower House of Convocation to this effect: "That in the opinion of this House it is not desirable at present to seek to introduce into the Book of Common Prayer any of the changes now recommended, but that such changes, together with those suggested, should be introduced into another volume or schedule, sanctioned by Authority, for optional use for such period as may afterwards be determined." The line I thought we ought to take in regard to that proposal was stated by me in a letter I took the liberty of writing to The Times on February 15, 1915. I said: "So it is seriously proposed that when, if ever, the Convocations of the two Provinces and the Houses of Laymen agree to alterations they desire, Parliament shall be asked to authorize for two, three, or five years, the use of these alterations. At the end of that period the controversy in Convocation will be again renewed in the endeavour to decide what shall be finally put forward to be authorized in the services of the Church. And Parliament will again have to be asked to give the necessary authorization." "Is it possible," I asked,

"to have a more futile and mischievous suggestion?" Now I think that suggestion has gone. If you were going to have an alternative service for the Office of Holy Communion there would be some reason for alternative books which might be used by people of different schools of thought; but as there is now a decision that the service of Holy Communion is to be left untouched, it would be childish to have an alternative book. So I believe the second proposal has gone the way of the other, and we have thus got rid practically of two of the three very serious proposals that were made.

There was a curious, almost childish proposal by the Convocation of York two years ago, that vestments should be allowed so long as they were white vestments. I have not heard anything about that proposal during the last eighteen months. The proposal to alter the Communion Office has been rejected by a majority of three to one by the Bishops of the Southern Province, and when that has gone the only possible excuse for an alternative Prayer Book has gone too. The position in which we stand now in regard to this matter is, I think, very much better than that which existed a year

ago when I was speaking about it.

Other things have taken place to which I want to call attention. I am dealing with the present position of the revision controversy. Of course when it comes to smaller proposals, certainly smaller than those with which I have been dealing, there may be difference of opinion amongst those who belong to our Society, perhaps even amongst those who sit on the platform at our meetings; but there are some things which have been adopted which seem to me of such great importance, and I may add of such great usefulness, that I rejoice that Convocation has dealt with the matter in this way. In the first place I should like to say how greatly I rejoice that on the motion of Canon Newbolt, it has been determined, at least the Lower House of Convocation has determined it, that the read-

ing of the Athanasian Creed should not in future be at all compulsory. I am, I must say, strongly opposed to any public recitation of the Athanasian Creed, and I am therefore delighted that the Lower House has come

to this decision upon that proposal.

There is in the Communion service as it stands at present a direction which has been made use of in many of the extreme churches for preventing the congregation communicating at the midday service. There is a direction to the effect that notice should be given to the Curate by those wishing to communicate at the service of Holy Communion, and that has been taken advantage of in many extreme churches, and those desirous of communicating at the midday service have been refused on the ground that they did not give notice to the Curate. I am glad that the Lower House of Convocation have passed a resolution declaring that the direction that the name shall be given to the Curate shall be converted into the simple form that "It will be convenient if the names are given to the Curate." That of course takes away all the significance and importance of the direction.

Then there is another resolution passed by the Northern Convocation which I should like to refer to. Upon the motion of our good friend the Bishop of Ripon a resolution was adopted unanimously by the Bishops for the insertion of a declaration forbidding any interpolation of prayers in the Communion service. Those who are familiar with the sort of service which takes place at many of our churches at the celebration of the Holy Communion will know that the prayers inserted or interpolated are from the Roman Missal and do not form part of the service in our English Prayer Book. So you will appreciate the great importance of the action of the Archbishop and Bishops of the Northern Province in agreeing to insert that declaration, although it only emphasizes the undertaking which every clergyman has given to use the

Prayer Book service in church and no other.

There is still another decision to call your attention to. The Lower House of the Convocation of Canterbury have agreed that the proposed changes are not to be made without reference to the Bishop, who shall consult the minister and the people, and make the final order; but that final order must not be contrary to anything that is in the Prayer Book. Those who know the actual condition of affairs in many of the extreme churches could adduce evidence to show that in a great majority of cases loyal Churchpeople have been driven away from their Parish Churches because of the changes that have been made. By this new rule of the Lower House of Canterbury Convocation, therefore, the proposed changes will have to be referred to the Bishop, who shall consult the minister and the people.

I mention these four things because, although I may not be wholly in accord with all that has been done, I consider that they are four most valuable provisions. And I do rejoice that the action that has taken place in regard to the alteration in the Communion service has been accompanied by action in the direction indicated in the adoption of the resolutions to which I have referred. I venture to think that these decisions place the revision of the Prayer Book on a very different footing now, and I hope and believe that henceforth we shall be able to go forward with that revision of the Prayer Book which is really necessary for the efficiency of the Church and the comfort of the people.

I cannot help feeling that we owe these recent decisions of Convocation mainly to the persistent, courageous, and dignified resistance which the Dean of Canterbury has made in Convocation. We know that he is respected by men of all schools of thought in the Church of England. He has had a very difficult task in the Lower House of Convocation, and he has fulfilled that task with a dignity and persistency which have won for him the respect of those who differ from him, and the sympathy and affection of those on whose behalf he has been protesting.

Now I want to go a little further. I have something else which to my thinking is as satisfactory as anything I have told you hitherto. That relates to the matter of the Vestments. With regard to Vestments, I have, as most of you know, always insisted upon the fact that the Royal Commission to which I had the honour to belong, when it advised the issue of Letters of Business, separated the Vestments question from the subject of the revision of the services of the Church. I have always felt that it is extremely important for that division to be observed for reasons, one of which I may mention presently. With regard to Vestments, I think you are aware that two years ago I founded the Laymen's Committee. That Committee is in existence now. We have a register of many hundreds of names, and it can be used whenever it is necessary, as a very effective representation of the laity in their resistance to the legal use of Vestments.

The situation in regard to Vestments has been changed in a very remarkable way. Some years ago resolutions were passed, certainly by the Bishops of the Province of Canterbury, and I think by the Lower House, in which it was stated that it was not desirable to alter the Ornaments Rubric, but that it was desirable by such means as might hereafter be devised to authorize the use of Vestments. I asked then, and I have been asking ever since, whether anybody had any idea of the sort of means to be devised to carry this into effect. I knew there would be serious difficulties in the way if this was attempted. And now the Lower House of Convocation has altered the resolution in a very significant way indeed. The recommendation as it stood in the Report of the Joint Committee was very much in the terms which I have just stated. But I will read the exact form :-

Resolutions.—(i.) "That this House, holding that in the present circumstances of the Church of England it is not desirable (1) That any alteration should be made in the terms of the Ornaments Rubric; and (2) That either of the two existing usages as regards the vesture of the minister at the Holy Communion (other than the use of the cope as ordered by Canon 24) should in all cases be excluded from the public worship of the Church, declares its opinion that by whatsoever process may be hereinafter recommended by this House, provision shall be made to authorize, under specified conditions and with due safeguards, a diversity of use."

(ii.) "And it is hereby explicitly declared that by this resolution no sanction is intended to be given to any doctrine other than what is set forth in the Prayer Book and Articles of the Church of England."

That is the old resolution in the form in which it was adopted in the Report of the Joint Committee, but the Lower House of Convocation did not accept it, and they passed a resolution in this form:—

"That this House reaffirms its resolution passed previously, 'That this House, holding that it is not desirable that any alteration should be made in the Ornaments Rubric, declares its opinion that in the present circumstances of the Church of England neither of the existing usages should be prohibited."

I think, if you consider for a moment, you will see what a great difference that makes. The first resolution was that by some means hereafter to be devised the use of Eucharistic Vestments should be authorized. The resolution as it now stands is simply that neither use shall be prohibited. I think it has evidently come home to those responsible in these matters that it is simply impossible for them to fashion any regulation which will take the force of law which will authorize the using of Mass Vestments. The resistance was too strong, and now things are apparently to be left as they were. Well, how does that meet the question upon which we insist? I think of course that the Ornaments Rubric ought to be altered. The Ornaments Rubric was a plan adopted in 1662, and it has never been, since that date, observed as an authorita-

tive Rubric. It is not an authoritative Rubric now, and I should have liked to have seen the straightforward course taken of inserting in the Prayer Book a direction corresponding to that of the unbroken practice of the Church of England for three centuries, a practice which was not only unbroken for three centuries, but which has been decided to be the practice authorized and required by law. I should have liked to have seen the straightforward course taken of making the Rubric agree with that which is the established law of the Church of England. But if those who are opposed to us in this matter desire to leave the Rubric as it stands in the Prayer Book, well and good. The Rubric as it stands in the Prayer Book is wholly a matter for judicial interpretation, and we know what the law of the land is. We know that if the Rubric is left in the Prayer Book as it is, and as it is a matter of judicial interpretation, we know that the highest judicial decision makes the use of Eucharistic Vestments, whereever and however they are used, illegal.

Now what may happen with regard to the proposals put forward in Convocation we do not know, but I think it is an indication that the people who want to use Vestments have become quite satisfied that it is no use trying to get specific authority for their use, and I for one have a hope that the time may come when the Archbishops and Bishops of our Church will do their duty and see that the law is enforced. If the question should be raised, if any attempt should be made to obtain the sanction of Parliament, for it must be by the sanction of Parliament, as Parliament is alone competent to alter the law which will authorize the using of Mass Vestments-if any attempt is made to obtain the sanction of Parliament for the authorization of Vestments, I believe the resistance which can be immediately organized by the National Church League and the Laymen's Committee will be quite strong enough to prevent the success of any such proposal. But I for one do not think the proposal will be made.

I do not think any attempt will be made to legalize the use of Vestments. I have a hope that we may possibly after a time be able to get the law of the land enforced as it ought to be, and to get that uniformity of practice in the Church of England which has existed for three hundred years, and which has been sufficient for men of different opinions and of different tenets with regard to the Sacrament itself, and which is now observed, and always has been observed in the Cathedrals of our Church.

I have dealt fully with this question, because I was very anxious at the earliest possible moment to bring the matter before your consideration and tell you what the present condition of things is. I need hardly tell you how great a satisfaction it is to me to feel that the work done during the last few years by the National Church League has had this effective result, and how glad I am that we have been able to help the Dean of Canterbury in the gallant fight he has been making against these proposals in Convocation. I am sure as time goes on we shall gather into the ranks of the National Church League larger and larger bodies of men who will see that the feeling and the opinion of the country have really been tested, and that it is clear now that the general opinion and desire of the people is not in favour of the more extreme proposals in this Report of the Joint Committee. I do congratulate you upon the position at which we have now arrived in this controversy, and I do urge upon you that the success which has so far attended our efforts in preventing these mischievous changes ought to encourage us to gather greater strength and support to this Society, and make it still further effective for the useful purpose it has been able to serve.

APPENDIX I

MAURICE AND KINGSLEY

AN ADDRESS DELIVERED AT THE WORKING MEN'S COL-LEGE ON FOUNDER'S DAY, 1ST NOVEMBER, 1913

I wish very much for my own sake, and I wish much more for yours, that I had been able to find time to prepare an address in appreciation of our Founders in the same way as Sir Charles Lucas has prepared I might have attempted, at all events, to give the literary beauty and the emphasis of phrase which we have enjoyed in hearing his estimate of the four men whom he has mentioned, but which I fear will be painfully absent from my extempore address. The fact is that the leisure which a man when he gets to later life is always expecting to enjoy never comes, and other ties and work of different kinds have rendered it impossible for me to make elaborate preparation for this evening. But I am deeply interested in being allowed to address you upon the Founders, and, of course, when one speaks of the Founders one cannot help remembering there was one Founder of whom everybody must think who has been in any way associated with him or his work. There are very few now living who were associated with Frederick Denison Maurice in the work of this College. I had the great happiness of being-very far from being a Founderof being one of those who came very early under the influence of that most admirable man, an influence which touched everyone who came within the circle of his work—an influence which, having once touched

you, was never forgotten. It is a very long time ago. I did not come, I think, into the classes until 1859, but that is over half a century ago, a long acquaintance to have had with the work of a College. I have been, in my own work, greatly influenced and helped by the great example of Maurice and of the group of men who joined with him in founding the Working Men's College in 1854. The idea of such a College, as a place at which working men could gather and study and work together, had been entertained some years before the College was established. It was in 1848 that the idea seems to have first taken its rise, under the pressure of a sense, not of the intellectual needs of working men, but of their need of something like organization in industry and combination with each other for various good works, not absolutely strictly for education. Presently I shall ask you to meditate with me upon the influence of a man with whom Maurice was closely associated from 1848 to 1854—a man who did not himself come directly into the work of the Working Men's College-I mean Charles Kingsley. The influences of Kingsley and Maurice mingled in the life and writings of another great man whom I shall mention. But of the group of men who were at the College when I joined, Maurice was lecturing upon English Literature as well as upon Divinity, delivering lectures here which afterwards took a literary form and were published. My experience at the College was not the first experience of Maurice's most remarkable religious teaching. Before the year 1858, certainly—I am able to fix it because my dear friend Frederick James Furnivall, I am afraid, after 1858 or 1859 was not an attendant at the Chapel at Lincoln's Inn-certainly before 1858 my father used to take me to Lincoln's Inn Chapel to hear Maurice preach on Sunday afternoons. I remember Furnivall making himself conspicuous, as indeed he always did, by coming to church in a straw hat of aggressive appearance, forming one of a dense congregation we used to have there, differing

from recent times, for we have since had to abandon the afternoon services because there was no congregation. The Chapel used to be crowded then, listening to the wonderful sermons of Maurice. Somebody said of Maurice, who wrote upon the prophets and Kings of the Old Testament, that his writings were very interesting, but that every prophet he wrote about was Maurice himself. It was true in a sense. Maurice was a prophet. He was so intensely conscious of the presence and providence of God that the whole of his life was full of it. There was nothing he ever did that was not inspired by that consciousness. His teaching at Lincoln's Inn-how well I remember it !--was characterized by an intensity of devotion you never forgot. It was well said of him that to hear him read the Lord's Prayer was a sermon in itself. That influence was in this College at the time I joined. Among the great men he gathered round him were John Ruskin. whom I have heard lecture at Great Ormond Street; Professor Brewer, one of the finest professors of history ever known in this country; and others full of intense and vigorous enthusiasm. Kingsley had passed a little away on his own path. He became "Parson Lot," and wrote articles, letters, and pamphlets about Chartism and the like, and went into the Co-operative movement with great energy, a movement into which Maurice did not feel inclined to follow and to take so great a part. It was the Co-operative movement and the industrial needs of the working men that attracted Kingsley, whilst it was to the educational and devotional side that Maurice gave himself. Those early days might not now perhaps have been mentioned by me were it not for a dear old friend of mine, a crippled and deformed member of the Bar, Thomas Randall Bennett, churchwarden of St. Matthias', Stoke Newington, who became associated with Maurice, to the great service and benefit of the Working Men's College. I joined in 1860 the Constitutional Law class he taught in the College, in order to study for the Tancred

Studentship, which I was afterwards fortunate enough to get. When, through this, I became a member of an Inn of Court, Thomas Randall Bennett asked me to go, without fee, as a pupil in his chambers for a year, in order to effect that part of the qualification necessary for a call to the Bar, and I owe the deepest gratitude to him for a friendship which lasted as long as his life lasted. Among the other men I knew well at the College then were Tom Hughes, Litchfield, and another member of the little group who gathered around Maurice, John Malcolm Ludlow, the most retiring and modest of men, whose portrait I understand is not to be found in this building, because he declined to have his portrait painted. He was a great friend of this College. In 1861, when I thought of going in for the Tancred Studentship, Furnivall took me to Ludlow's chambers, and there in the presence, I think, of Vernon Lushington—one of two delightful brothers, born twins, so much alike that if you met one of them you had to shake hands with him before you knew whether he was the brother who had lost his fingerthere it was solemnly debated between them whether I should become a barrister or a journalist. Furnivall advocated journalism very strongly, on the ground that he had been ten years at the Bar, and had never been able to earn enough to pay his laundress. I took the other course, with, I believe, not unsatisfactory results. When I was thinking, in the scanty time I have had at my disposal, what to say this evening, it occurred to me that to make a speech solely of reminiscences would be quite unsatisfactory. Reminiscences, though they may be amusing, are not very useful. Let us look at something a little deeper in the character of the Founders, and study the effect of that character in another way. I wish I had been able to devote more time to the matter I am about to speak upon, but I probably never shall have that time. I hope. however, that what I am about to say will tempt someone here into a completer study of the point to

which I am about to refer—the relation between Charles Kingsley and Maurice, and the writings of Alfred Tennyson. The study of that group of men, and of another group I will mention, but not deal with, for they were not connected with the College in the same way, will well repay you. These were two groups amongst that illustrious body of men working in literature and philanthropy in the 'sixties-in what is now (sometimes contemptuously) called the Victorian age, although it was the greatest age, so far as literature and philanthropy are concerned, we had had for centuries. The group I am not going to dwell upon consisted of Carlyle, Ruskin, and Browning. You will find a quite definite relation between Carlyle and Browning in many respects on the one side, and on the other side—the artistic side—between Ruskin and Browning. But I am now speaking of Frederick Denison Maurice. Charles Kingsley, and Alfred Tennyson. They were not great personal friends, indeed I do not know if Kingsley and Tennyson ever met, and there was no personal intercourse between Tennyson and Maurice, until in 1852 the Poet Laureate wrote to Maurice asking him to be godfather to his little son, the present Lord Tennyson. But the reason that Tennyson gave for making this request shows how deeply he had been affected by Maurice's writings. He said he might not live till Hallam was grown up, and if he ever heard his father called an unbeliever he should like him to be able to reply: "My father asked Mr. Maurice to be my godfather because he was the truest Christian he knew in the world."

When they met the impression was deepened. Maurice read prayers at Farringford, and Tennyson said his reading was the most earnest, holiest reading he had ever heard. When in the following year Maurice was deprived of his professorship at King's College, Tennyson sent him the charming little poem which, no doubt, is familiar to some of you, beginning:

Come, when no graver cares employ, God-father, come and see your boy! Your presence will be sun in winter, Making the little one leap for joy.

And then that striking verse:-

You'll have no scandal while you dine, But honest talk and wholesome wine, And only hear the magpie gossip Garrulous under a roof of pine.

And then, after suggesting they might discuss the causes of the war between Russia and Turkey:—

Till you should turn to dearer matters, Dear to the man that is dear to God; How best to help the slender store, How mend the dwellings of the poor; How gain in life, as life advances, Valour and charity more and more.

But it is in "In Memoriam" that the influence of Maurice, the fellowship of thought between him and Tennyson (who, it should be remembered, was a few years the younger) is most clearly seen. You know Maurice was called a heretic, because he did not accept the doctrine of eternal punishment in the form which was stereotyped by Richard Baxter, and strangely enough has been the popular belief among Christians ever since. He and Kingsley had the strongest sympathy with each other upon that subject. I once heard Kingsley preach at St. Andrew's, Holborn, when he quoted with scorn and anger,

There is a dreadful Hell, With everlasting pains; Where sinners must with devils dwell, In darkness and in chains.

The ideas expressed in such lines as these roused Charles Kingsley to violent disapproval, but his was an unpopular unbelief at the time. I dare say some of you remember Disraeli's speech at Oxford. He came down elaborately got up as a country gentleman in

velvet coat and gaiters. He made a reference to Darwin, described himself as being on the side of the angels, and then alluded to "those nebulous professors whose writings give you an idea of the eternal punishments which they themselves deny." Maurice and Kingsley were very closely united upon the question, and felt very strongly about it. One of the most pathetic sermons of Maurice I ever heard dealt with the immortality of animals. He said it was always more painful to see the death of an animal than the death of a man or woman; as to the death of a human being, there was the assurance of a future; as to that of an animal, he had a doubt. On the question of the eternity of punishment, his doctrine is reflected in Tennyson's "In Memoriam," in the stanzas:—

Oh yet we trust that somehow good
Will be the final goal of ill,
To pangs of nature, sins of will,
Defects of doubt, and taints of blood:

That nothing walks with aimless feet;
That not one life shall be destroy'd,
Or cast as rubbish to the void,
When God hath made the pile complete.

And later, where he asks :-

The wish, that of the living whole
No life may fail beyond the grave:
Derives it not from what we have
The likest God within the soul?

Again and again, in "In Memoriam," you will find expressed in glorious verse, in the finest poetry written in the nineteenth century, the strongest thought that Maurice, Kingsley, and Tennyson had in common. I suggest this as an interesting study for you, and you must read in connection with it the Life of Charles Kingsley. Perhaps it will suffice for this purpose to take what I am afraid very few people know, the short account of Kingsley from 1848 to 1856, which is to be found in the memoir written by Tom Hughes, printed

as a preface to the shilling edition of Alton Locke, published by Macmillan. In that, and I think only in that book, will you find the extremely interesting story of the life of Kingsley during those years. I said that Tennyson reflected Kingsley as well as Maurice. Kingsley and Maurice were very closely associated, but were very different in temperament. Both were prophets in that they both possessed the elements and characteristics of prophets: both had the intense earnestness of prophets: both held the absolute conviction that there was a definite government of the world, that a benevolent purpose ran through the whole of creation, and that the thing which men had to do was to bring their lives into harmony with that beneficent purpose. Maurice and Kingsley were two prophets—two apostles. They represented and represent, in the completeness of their characters, the two apostles of St. John and St. Peter. They were different characters, and so were Maurice and Kingsley. Kingsley was certainly a St. Peter, very energetic, very bold, sometimes rash. He went through the world during the whole of his life with the sword very handy, always looking out for some servant of the high priest whose ear he could cut off. Maurice, on the other hand, had the character of St. John, with his calm, sweet nature, always thinking the best of every one, trying to put the best construction on everything they did, trying to encourage all the younger men by personal kindness.
Throughout his life Maurice was sweet and kind. Tennyson represented Charles Kingsley as well as Maurice. Read his "Ode on the Death of the Duke of Wellington" or his "Maud." In them you will find the echo of Charles Kingsley just as much as in frag-ments of "In Memoriam" you get the echo of Frederick Denison Maurice. Alton Locke was published at the end of 1850. Tennyson and his wife read it together soon after their marriage, and in the next volume the Poet Laureate published we find in the opening stanzas of "Maud" passages which tell of the influence of Kingsley, just as "In Memoriam" tells of the influence of Maurice:—

Peace sitting under her olive, and slurring the days gone by, When the poor are hovell'd and hustled together, each sex, like swine;

When only the ledger lives, and when only not all men lie;
Peace in her vineyard—yes!—but a company forges the wine.
And the vitriol madness flushes up in the ruffian's head,
Till the filthy by-lane rings to the yell of the trampled wife:

While chalk and alum and plaster are sold to the poor for bread,
And the spirit of murder lurks in the very means of life.

Is it peace or war? better, war! loud war by land and by sea, War with a thousand battles, and shaking a thousand thrones.

Unfortunately, Maurice and Kingsley do not seem to have founded a school. Their work together was not so successful as it ought to have been. The work which has since been done—and I myself was one of the founders and first honorary secretary of the Working Men's Club and Institute Union, which now has so many thousand members—I grieve to say that work has passed almost entirely away from the religious aspect and the religious influence that Maurice and Kingsley had given to it. Their work, as you know, seemed to fail, and here I am going to be irrelevant and introduce a few more lines I am very fond of. A publication in which they joined was intended by Maurice, according to Kingsley, to be a set of "Tracts for the Times," different and better and more useful than Newman's Tract 90, etc., and others. The scheme did not succeed, and when it failed, or appeared to fail, there was a sonnet, written, I believe, by Trench¹ (not then Archbishop), which I wanted to find last year to verify my quotation from it at the Jubilee dinner of the W.M.C. and I.U. I had no copy except my own, made from memory. I went to the British Museum and looked for it, without success,

¹ Mr. C. E. Maurice tells us that Professor Conington was the author.—ED.

in Trench's Poems and his collected sonnets. Eventually I found a reference to it in a book which spoke of the Christian Socialism of that time, and, following up the clue, discovered it printed upon an extra leaf in the collected numbers of *Politics for the People*, the weekly publication which had failed, and was brought to an early end. That is, I believe, the only print that exists. I quote it without apology:—

Not all who seem to fail have failed indeed;
Not all who fail have therefore worked in vain;
For all our acts to many issues lead;
And out of earnest purpose, pure and plain,
Enforced by honest work of arm or brain,
The Lord will fashion in His own time
(Be this the labourer's proudly-humble creed)
Such ends as to His wisdom fitliest chime
With His vast love's eternal harmonies.
There is no failure for the good and wise:
What though their seed should fall by the wayside,
And the birds snatch it, yet the birds are fed;
Or they shall bear it far across the tide,
To give rich harvests after thou art dead!

It is fine enough to justify its quotation, and it is most true and most appropriate. It did seem to Charles Kingsley, at times under great depression—it did seem to Frederick Denison Maurice, who did not give way to depression, but still hoped on to the end-it did seem as though their work had not entirely succeeded in all directions. I do not think it had. The socialism the Church has taken up time after time to make itself more popular, is not that intense religious socialism which moved Kingsley and Maurice; and when thirty years later there came a time when a Kingsley and a Maurice were painfully wanted, when evil example in very high places was corrupting the morals of our aristocracy, and the country was induced to enter a useless and wicked war, instead of fine prophets like Maurice and Kingsley we had a set of tame ecclesiastics who seemed to have no concern except to make themselves pleasant according to the popular feeling of the day. You will see even from the fragmentary way in

which I have spoken-without literary form-with what deep gratitude I look back to having been brought under the influence of Frederick Denison Maurice and those associated with him in the foundation of this College. True, the influences at work upon me attracted me to other places, but with the most important of those Maurice had been connected. In 1848. the Rev. Charles Mackenzie, Rector of All Hallow's. Lombard Street, a man of extraordinary energy and courage, founded the Metropolitan Evening Classes for Young Men, and in 1849 Maurice delivered the inaugural lecture. I joined those classes in 1855, and have been constantly connected with them ever since, as student, class-teacher, lecturer, member of council, member of the governing body of the City of London College, and for the last ten years I have been President of the College, appointed for life by its charter. Now I think you will understand that I have spoken this evening from the fulness of my heart. It was, indeed, a blessing to me that in my youth I came under the influence of our Founder. Through all the years that I have passed since then his saintly life, his noble enthusiasm, his unfailing trust in the good providence of God, have been to me an inspiration and example. And now, in the evening of my life, when he has been dead for forty years, I am grateful for having been allowed this opportunity of expressing, however weakly and poorly, the affectionate regard in which an old student of the Working Men's College holds the memory of its Founder.

APPENDIX II

THE LAW OF DIVORCE

EVIDENCE GIVEN BEFORE THE ROYAL COMMISSION

Sir Edward Clarke, K.C., called and examined.

42,114. Chairman: I need hardly ask you who you are, but, just to get it on the Notes, you are one of his Majesty's Counsel?—Yes.

42,115. You have also had a long experience in the Courts of Law?—That is so, and a considerable ex-

perience in the Divorce Court.

42,116. You have had a number of cases in the Divorce Court ?—A large number.

42,117. You have divided your memorandum into two heads, one law and the other practice?—Yes.

42,118. As I gather from it, it is a memorandum which requires a certain amount of exposition and perhaps the better course is to ask you to state your views?—If your Lordship pleases. The first point mentioned in my memorandum in regard to the question of law is as to the law of marriage which ought to prevail, and I have written a short memorandum on that, which I think I had better read, because it states my opinion more carefully than I should perhaps extemporaneously express it. It is proposed on one side to abolish divorce altogether, and on the other to extend divorce to other grounds than that of adultery. The cardinal, and in my judgment the conclusive, objection to these proposals is that each of them is contrary to the Christian law of divorce which

was clearly laid down by Jesus Christ Himself in the Sermon on the Mount. In that discourse our Lord declared the continued authority of the Law, but gave to its precepts an enlarged and higher meaning. He says He is come to fulfil the Law and declares that not a jot or tittle of the Law shall pass away. Six times in that chapter (Matthew, chapter v.) he quotes from Deuteronomy, in each case to correct and to extend. Two of the Ten Commandments are quoted and expounded. "Thou shalt not kill" is "Thou shalt not bear ill-will." "Thou shalt not commit adultery" is "Thou shalt not permit thyself impure thoughts." Then comes the passage: "It was said also, Whosoever shall put away his wife, let him give her a writing of divorcement: but I say unto you, that every one that putteth away his wife, saving for the cause of fornication, maketh her an adulteress: and whosoever shall marry her when she is put away committeth adultery." The law of God, which was from the beginning, and the rule of Moses, that a writing of divorcement must be given, are to remain, but it is only for adultery that the divorcement shall take place. The same rule in the same terms is stated in St. Matthew, ch. xix., where the question put to our Lord is whether it is lawful to put away a wife for any cause. It was a question in dispute among the Jews; for one set of teachers among them maintained that the words of the Mosaic Law only authorized divorce in the case of adultery, while general usage, with the sanction of another school of teaching, had extended the practice to divorce for other causes. Our Lord's answer is, "No, not for any cause, but only for the cause of adultery." Two other passages give the general prohibition, but not the authorized exception. In Mark, ch. x., vv. 11 and 12, we have an imperfect account of the conversation recorded by St. Matthew. The question is not fully stated, for the words "for any cause" are left out, and in the answer the qualifying words are omitted. The passage in St.

Luke, ch. xvi., v. 18, is precisely the same as that in St. Mark. Many explanations of the difference have been suggested; but whatever be the true explanation, it is quite clear that an authorized exception is as much part of the Law as the prohibition itself, and unless the authority of the First Gospel is wholly rejected, the Christian law of divorce is quite clear. It appears to me also clear, and indeed I do not think it has ever been doubted, that the adultery of the husband is within the rule as well as the adultery of the wife. The words in St. Luke are apparently an interpolation. Their relation to the preceding verses is not very clear. If they are intended as a statement of the Jewish law (and they follow immediately on a declaration that it is easier for heaven and earth to pass away than for one tittle of the Law to fail) it is clear that Jesus could not have intended it to apply to cases where the wife was put away for adultery, for the law, as laid down in Deuteronomy, ch. xxiv., v. 1, quite clearly allowed divorce on that ground. There are two exceptions in Deuteronomy, xxii., vv. 13 to 19, and 28 to 29, unless he had seduced his wife before marriage or had made a false charge against her. This had never been doubted by any school of Jewish thought, and the only question was whether a wife might be put away on other grounds, and this passage vindicating the authority and permanence of the Law, was doing away with the extension which Moses had permitted. This permission of Moses was not part of the Law. It was an indulgence which now, since the Gospel of the Kingdom of God had come, was no longer to exist. This Christian law of divorce, of which I have spoken, was accepted by St. Augustine and St. Jerome and St. Ambrose, and by almost all the Reformation divines, and it is accepted by the whole of the Eastern Church, and in 1857, when the Divorce Court was established, it was acknowledged by all the Bishops of the English Church, with one exception (the Bishop of Salisbury). I will finish

the memorandum and go back to that. Our Lord's words seem to me, by necessary implication, to convey that in the case of the dissolution of a marriage on the ground of adultery, either of the persons so divorced is free to marry again, for it is only where a marriage has been dissolved on some ground other than that of adultery that He brands as adulterous a subsequent marriage, but I can see no reason why a State should not prohibit, if thought desirable, remarriages, as to which, dealing with the religious aspect of marriage, we can only say that our Lord did not forbid them. In one respect then, our law of divorce differs from the Divine Law and from the practice of almost the whole of the civilized world, and that is in not granting divorce on account of the adultery of the husband without any other matrimonial offence. In France, Germany, Russia, Sweden, and the United States, and in Scotland, the husband's adultery is sufficient to entitle the wife to a divorce, and I am in favour of that law being adopted here. I should like to illustrate that memorandum by reference to a speech made by the Archbishop of Canterbury on the 19th May, 1857, in the discussion upon the Divorce Act. "He appealed to the Divine Law. No one, he thought, would deny that according to the tenor of that Law marriage once contracted was deemed to be indissoluble—indissoluble saving for one cause, a cause which destroyed the purpose and intent of marriage—saving for the cause of unfaithfulness. For that cause it was declared lawful for a man to put away his wife, and, by parity of reasoning, it would be lawful for the woman to put away her husband." In the same debate the Bishop of Bangor said: "I believe that my right revernd brethren are all agreed, with the exception of the Bishop of Salisbury, that divorce is permitted in Scripture in the case of the adultery of the wife." Then one adds to that, that for 150 years the House of Lords granted divorces by Legislative Act, but it appears to me that the way in which those Bills were dealt with made

them quite as much Judicial Acts as Legislative Acts, and I find it stated that in only two or three cases did the Bishops oppose a Divorce Bill, and I think that there was some special reason applying to the case. It was never contended, during those 150 years, by the Bishops that it would be contrary to the Divine Law to grant a decree of divorce. There were four cases in the 150 years where a divorce was granted by the House of Lords to the wife; in 1801 there was the case of Mrs. Addison, where a divorce was granted on the ground of the husband's incest. There is a notable observation of Lord Thurlow's with regard to that which is recorded in Campbell's Lives of the Chancellors, 7th volume, page 145. "You give the husband divorce because he ought not to forgive the guilty wife, and separation is inevitable. Where the wife cannot forgive and separation is inevitable by reason of the crime of the husband, the wife is entitled to the like remedy."

42,119. Does that bring us back to the memorandum?—It brings me back now to the memo-

randum.

42,120. You say that the rule should be the same for both sexes, and then "reasons for and against"?—Yes. It is a difficult question and I have put down some reasons for and against. Reasons against allowing divorce for husband's adultery. In wife's case bastard may be introduced into the family. Men and women appear to agree that a wife ought to forgive and that a husband ought not. There is a famous passage in Tennyson's *Idylls of the King* which says:

I hold that man the worst of public foes Who either for his own or children's sake, To save his blood from scandal, lets the wife Whom he knows false, abide and rule the house.

The offence is more serious in the woman. In man, the unfaithfulness is physical—the desire for the woman; in a wife it is physical and moral too, the

desire for the man's affection. In man, in nine cases out of ten, it is a passing, often a quite sudden, physical appetite. In woman, in nine cases out of ten, it is an affection wholly destructive of any conjugal affection. In the great majority of cases a wife is wise as well as merciful in forgiving. Many husbands have been forgiven once and have never again been unfaithful. Again, there is little or no social stigma upon an unfaithful husband. If his wife does not forgive him other women do, and many husbands would be willing to be divorced if only adultery had to be proved, especially if they were free to marry the adulteress. This might considerably increase the number of divorces. I mention those to show that I have tried to consider both sides in this matter, but the conclusion I come to is that the husband and wife should be placed on equal terms, subject to this: I think no divorce petition in either case, certainly not in the case of the wife's petition on the ground of her husband's adultery, should be permitted until six months after the commission of the offence. It has been, I know, suggested to this Commission that there are certain classes of adultery where the adultery of the husband is so persistent or so irritating in its circumstances that the wife ought to have a remedy, which should not be given in the case of a single act of adultery. I think it is practically impossible to lay down any rule with regard to that, but I think not allowing a petition to be filed within six months of the offence would have the same effect; that petitions would very seldom be filed by wives who were entitled to complain of the unfaithfulness of the husband, and who had only to complain of a single act of unfaithfulness.

42,121. You mean that there would be time for reflection?—Yes, in that six months, if it were a single act and not accompanied by circumstances which aggravated it, and made it too seriously painful to the

wife's feelings for the wife to forgive.

42,122. Do you confine your six months to any

form of adultery or to the single act of intercourse ?-

To any form of adultery.

42,123. There is this practical difficulty. Assume the act is one which the wife at the moment intends to use against the husband, how do you propose that should be dealt with, because it is not till she presents her petition that she can get alimony, and during those six months she may starve?—I do not think that would be a serious difficulty. It would be one case in a thousand where it would present any hardship.

42,124. Might I suggest that in the poorer class of cases the first thing is the application for alimony, instantly, because what has the wife to live upon?—In the poorest class of cases she does not get alimony

paid.

42,125. That class of case does not come before the court. The cases that come are where the husband has something, and I have seen numerous orders of 15s., £1, or £2 a week, and that sort of thing, which must be dealt with at once. Will you assume that the act is one for which the wife says, "I mean to proceed on that." Of course she would not live with him during the process, otherwise she would vitiate her right. There is that practical difficulty, is there not? —Yes, but I do not think it is a serious one I confess. Another stipulation would be this. I think a decree ought not to be made absolute for a year. I think there would be great advantage in not having a decree of divorce made absolute for a year, instead of for six Then there is the very serious question of whether the guilty parties should be forbidden to marry each other.

42,126. I think you are going on a little too fast. The sentence that begins, "The doctrine that condones," is the next point?—I think that comes later on. There is another word I want to say about this: the question about the guilty parties being allowed to

marry each other.

42,127. That we would very much like to know

your views about ?—With regard to that there is a curious fact about the Divorce Acts that passed before 1857, that there always was a clause put in to prevent that.

42,128. So there is still in the Irish cases?—Yes, and always struck out in the Commons as a matter of course.

42.129. It is struck out now in Committee in the House of Lords?—Yes. In the Bill of 1857, a clause was not introduced forbidding the marriage of the guilty parties, and the Lord Chancellor said that it would be a cruel punishment upon the woman, and in nine cases out of ten a great boon to the adulterer. The Lords always inserted such a clause in the Divorce Bills and it was always struck out by the Commons, and the Lord Chancellor said, "That is the great reason why I did not attempt to introduce this proviso." The proviso was in the Bill of 1856. The proviso was put in by the Bishops in 1857, along with a provision which made the commission of adultery an offence and provided a punishment for it. Both those clauses were struck out by the House of Commons. I think on the whole that the divorce should be allowed to the wife on the ground of the husband's adultery alone. There is another reason to be mentioned, that the present requirement as to cruelty or as to desertion, especially now when desertion consists in non-obedience to a decree for the restitution of conjugal rights, makes the proof in many cases of cruelty and adultery very much a matter of form. I was in one very remarkable case where a wife, who had no title to a divorce at all, because of her own conduct, obtained a divorce, and the only cruelty alleged against the husband was that, when she was talking to him upon the subject, he pushed her away from the chair and she fell on the floor. When cruelty so slight as that is allowed it practically does not become anything very serious.

42,130. The real position is that if there is adultery

proved the tendency of juries, and possibly of judges, is to act on the very slenderest evidence of cruelty?—On very slender evidence.

42,131. That is in effect striving for what you main-

tain-an equality ?-I think that is so.

42,132. You were indicating what you were going to say about the marriage of guilty parties. What conclusion have you come to about that?—As to that, my conclusion, on the whole, would be that it would prevent adultery, and a good deal of adultery, if the guilty parties were forbidden to marry.

42,133. Have you come across cases in which the inception of the adultery showed that people had in contemplation a rehabilitation by marriage afterwards?

—Yes, I think, no doubt, in a great many cases I have had, that the subsequent marriage has been looked

forward to all along.

42,134. You would regard it, then, as a great deterrent to a woman giving way if she felt there was no chance of marriage afterwards?—I think it would be

a great deterrent and a valuable deterrent.

42,135. The next point you mention is that condoned offences are revived by a subsequent offence, which you think should be abandoned ?—I think that is a very mischievous doctrine. At present a matrimonial offence having been once committed the wife is in the position of being able to avail herself of that matrimonial offence, although a very considerable time has passed, because of the occurrence of some minor matrimonial offence afterwards. Condonation, I think, ought to be full condonation, and completely wipe out the former offence. I think that a very mischievous state of things is set up by the existence of the present doctrine. The next point is that a divorce, or decree of nullity, pronounced by a competent court, should be followed everywhere. I hope I shall be forgiven if I say that I look upon the judgment in Ogden v. Ogden, which I have mentioned here, as one of the most unfortunate judgments that we find in our books of reports. I think it was contrary to law, but it certainly was very sad in its results, and such a case, I think, ought to be rendered impossible by some legislation.

42,136. That case followed the older cases?—With

all respect I do not think so.

Sir Lewis Dibdin: I should like to know what that case was.

42,137. Chairman: I know about it, because I decided it myself, and I understand that Sir Edward Clarke differs from me. It was a case in which a young English girl married a Frenchman in some place in Lancashire, where he had been sent by his parents to learn a business. When he married her he was under age, or rather under the consent age of France. His father heard of it, and came over and took him out of the country, back into France, and there a decree of nullity was obtained on the ground that the marriage was without the parent's consent. Then the lady tried to get a divorce from him at a later period when he married somebody else, and, if I recollect rightly, Sir Francis Jeune held that, as he was a domiciled Frenchman, she would be obliged to pursue the remedy in France, that he could not give her a remedy in this country because he only had jurisdiction with regard to domiciled husbands and wives in England. Thereupon, I think I am right in my recollection, she considered she was entitled to marry again, and she did marry somebody else. Then a question arose between that somebody else and herself as to whether their marriage was good, and it depended upon whether her marriage with the first man still subsisted in England. I held, bound by Simonin v. Mallac, that the English marriage at the time was good according to the law of the land where it was made and celebrated, and that the French Courts might say what they pleased about it, but that in England it was a good marriage. I pointed this out, and this is a very important point, Sir Edward will allow me to remind him of it, that I thought, if she sued for a divorce on the ground of his

desertion and adultery, adultery in a technical sense, because he had married again, the impossibility of proceeding for that in France, because the courts in France would not recognize the marriage, ought to make our courts abandon in that case the plea of domicile, and in order to do justice, declare the marriage at an end. I think that could have been done, but unfortunately she tried that petition before another judge?—Sir Francis Jeune dismissed her petition.

42,138. I do not think he ought to have dismissed the petition?—He dismissed it on the ground that he had no jurisdiction, she being a domiciled French-

woman.

42,139. My view was that the court had jurisdiction, because it only refuses to exercise jurisdiction when the domicile is foreign, but that is because the person who wishes to seek relief should go to the courts of the domicile in order to get it. If the courts of the domicile will not recognize it as a marriage, you get to the position in which it is absolutely necessary, to do justice, to say, "I, in my country, recognize you as married, but I recognize that the grounds for divorce have been given." For instance, where desertion has taken place, and the man goes away to a foreign country with the intention of creating a foreign domicile, we allow a suit to proceed here, and will not let him be heard to say that his domicile is in England?—Meanwhile this poor woman had a child by the French husband, and then she was refused the divorce from him because this court had no jurisdiction, and Sir Francis Jeune said he had a divorce in France.

42,140. No, a decree of nullity?—Then she married an Englishman and had a child by him, and then the Englishman repudiated her and got rid of her on the ground that her previous marriage had not been

annulled.

42,141. I may be right or wrong, but the Court of Appeal supported it. They took the view the English

marriage was a perfectly good marriage ?—Your Lord-

ship was the Court of Appeal.

42,142. No, it went to the Court of Appeal?—Yes, but your Lordship drew the judgment of the Court of Appeal.

42,143. It may have come to me. I was not alone, it was the Court of Appeal?—Your Lordship prepared

the only judgment that the Court of Appeal delivered. 42,144. That is true, but the way out of the case was quite simple, the first petition should have been granted. The domicile is only for the purpose of going to the proper tribunal, and if that tribunal says you are not married, you must go somewhere else.

Sir Lewis Dibdin: It is startling for the court to have held that the marriage in Liverpool was not a

good one.

- 42,145. Chairman: I could not decide that ?—I did not contend that. I contended that the decree of nullity granted by a court which admittedly was a competent court to deal with the husband's position, was operative here and should have been recognized here.
- 42,146. The difficulty was, it could not say according to our view, and that has been discussed in many cases, that a marriage in England which was legal and properly contracted was a bad marriage. That is the difficulty. You may take it that the point of the case of Ogden v. Ogden has been mentioned to us very fully, and the answer is, Deal with it in some way by which the court's decision abroad should be recognized in this country?—Your Lordship does not mind my having mentioned it.

42,147. No, I know that case has been very much discussed and very much criticized?—Then my memo-

randum goes on to the matters of practice.

42,148. Before you go to that, may I ask you one or two general questions. You have expressed your view about the re-marriage of guilty persons. That eliminates one note I had made. The other point is

this, you have presented a view of the law based upon Christian doctrine?—Yes.

42,149. Have you considered in that that a large section is not governed at all by the Christian doctrine?—No, I think this is a Christian State and that we are bound by the Christian law.

42,150. You would not take into consideration the interests of those who did not profess Christianity?

-No.

42,151. The second point is this. You probably are aware that there is a vast difference of opinion as to what is the Christian law. There are three views presented by very competent persons—one that marriage is indissoluble; secondly, that it is indissoluble except where there is adultery; thirdly, that it is dissoluble where the causes are so grave as to bring de facto to an end the matrimonial life. We have those three positions presented from the Christian point of view?—I am aware of that. As to the first, it appears to me that is contrary to the Christian law and can only be got rid of by dismissing St. Matthew, as he has been dismissed, as an untrustworthy compiler.

42,152. The second you agree to ?—Yes. Then, with regard to the third, I think it would be a disaster if divorce were allowed for any other cause than

adultery.

42,153. You think it would be contrary to Christian views?—Contrary to the Christian view and practically

productive of very great evils.

42,154. Although you have given us the benefit of some very clear criticisms of the context on the matter, I suppose that you would not put forward those views as based upon exact scholarship?—I cannot lay claim to exact scholarship.

42,155. We have had so many learned men who have discussed these points in minute detail?—I only put them forward as the view of a layman with some amount of capacity for considering the documents upon

which the whole matter rests.

42,156. I want to ask you whether in stating that you do not differ from what has been found acceptable in the Scottish Churches, namely, an addition of the ground of desertion to adultery, and a ground which has existed for 300 or more years ?-I cannot say that. All I can say with regard to Scotland is what Lord Lyndhurst said in 1857 in the Debates: "I find that in Scotland adultery on the part of the husband gives the wife a right to a divorce just as the adultery of the woman gives the man a similar right, and the remedy extends alike to the lower as well as the higher classes, and vet I believe that the state of the law has had no demoralizing effect in that country. Why then should we assume that a similar provision would be prejudicial to morality in this portion of the United Kingdom?"

42,157. That is not quite the point. Lord Lyndhurst was one of the strongest urgers of divorce being granted on the ground of desertion. Dealing with it from a Christian point of view, Scotland and its Churches have accepted that ground at any rate as not contrary to Christian principle. Have you considered that?—No, I should not accept that, but I have not con-

sidered it.

42,158. I think you might now proceed with the practice?—As to the practice, I think in my practice in the Divorce Court itself certain things have taken place which are very mischievous. The first is the mischief done by allowing agreement as to damages. When you have a case to be tried before the court and the parties have agreed beforehand what amount of damages should be paid, it produces a very demoralizing effect upon the country in having that stated. It is a sort of bargain by which one man gets rid of his wife and the other man pays for her, and I think that it is very mischievous.

42,159. May I remind you of this in order to get your complete view; you know that the agreement has no binding effect, it has still to be stated to the jury

that that agreement has been made and they need not accept it ?-I think the effect of allowing the agreement and stating it to the jury as if it were part of the ordinary procedure possible in the case is a mischievous effect. Secondly, by directing or permitting settlement of damages on the guilty wife. I think that the court has gone far too far in that. It is looked upon now as if the damages were to be a provision for the guilty wife, which is not the idea with which damages were awarded originally. It was partly a punishment on the seducer and partly a consolation to the husband for the loss of his wife, but when an arrangement is made with the sanction of the court that the damages shall be settled on the guilty woman, it seems to me that very much of the moral effect of the judgment of the court is done away with.

42,160. May I point out that my recollection is that is usually done where the adulterer has deserted and left the woman penniless, and it has been thought right in the discretion of the judge to apply part of damages to keep her off the streets?—I do not think that has been my experience. I know that it has been

done in cases where there is no desertion.

42,161. At any rate, that would not be an improper way of treating damages?—Within certain limits possibly some provision may be made.

42,162. At present the discretion rests with the judge as to what shall be done with the damages?—

Yes.

42,163. When they have been brought into court?—Yes. I do not think that discretion ought to be considered so wide as it has been usually considered, and I do not think it has been wisely exercised in many cases. Then I think mischief is done by granting final decree before expiration of the six months. There was a curious and, as I think, a most regrettable case not very long ago—I doubt the legality of it—where a decree was made absolute in three months, and was made absolute with apparently the specific purpose

that the child of adultery should be born in wedlock. I think it was a very serious incident.

42,164. My impression is that the time was discre-

tionary ?- I should have thought not.

42,165. My recollection is that it is discretionary but not less than three months. I think so, but I will ascertain?—It may be that it was legal. Even if it were within the authority of the Act, I think it was a

most unfortunate thing.

42,166. Just to exhaust the point, there are, for instance, cases where a suit has been maintained successfully, but there is an appeal, and the appeal comes on and keeps the matter back for some time, and then if six months have to run, after that it is delayed beyond what would have been the original six if the case had gone through at first ?—I think it would be reasonable it should be within six months from the granting of the decree in the first instance. If that decree is sustained by the higher Court, I cannot see any necessity for further delay. Then the next point is a matter of practice. I think that in every suit for divorce all pleadings and particulars should be served on the King's Proctor, who should have the right to appear and cross-examine without being liable for costs to either party.

42,167. This is a point to which I personally attach considerable importance. Do you think that restriction of putting questions to the petitioner or the respondent as the case may be, about their own misconduct should be maintained? You cannot cross-examine a person?

—I do not think so, subject to this: I would not have any questions asked about offences that had been

condoned.

42,168. Assume there was a proper answer to a suit on the ground of the petitioner's misconduct, at present, as you know, especially in the undefended cases, neither the judge nor anybody else can ask the petitioners, even though letters would suggest it, that they have been guilty. That is by the Act?—Yes.

42,169. You would remove that restriction?—Yes, and I think its removal would be very valuable. I have known cases, I have one special case in my mind now, where certainly wrong was done, unintentionally,

by the court in consequence of that restriction.

42,170. It is rather a survival of the old idea that you should not incriminate people, the only incrimination in these matters being the excommunication in those days, which can be left out of account now. That was the basis of it. I have now got the section of the Act about the decree nisi. It says: "Every decree of dissolution, or nullity of marriage is, in the first instance, a decree nisi, not made absolute till the expiration of six calendar months from the pronouncing thereof; unless the Court shall fix a shorter time, which cannot, however, be less than three months." There is an express discretion given?—I think probably that was with reference to the matter that was in your Lordship's mind, in the case of appeal.

42,171. You would abolish that ?—I would certainly

abolish that.

42,172. In no case less than six months?—From

the granting of the original decree.

42,173. Sir Lewis Dibdin: Would you abolish it entirely, or in cases where there was not an appeal?—I would say in no case, it applies to both classes of cases, should the decree be made absolute less than six months after the granting of the original decree.

42,174. Chairman: There is one point on that: your evidence is so full of experience that I want to exhaust it. I recollect one case in which a lady applied to shorten the time between the three and the six months on the ground that her physical condition, through the anxiety of the matter, was so bad and she wanted to go abroad. I do not remember what was done in it. Would not that rather lead to some exercise of a discretion?—I do not think there should be any discretion.

42,175. You would not allow it to be exercised even though it might possibly legitimise a child?—Certainly

not on that ground.

42,176. The next point is with regard to local trials?—As to local trials, I should like to say that I associate myself with the memorandum which has been put before the Commission by the General Council of the Bar, with regard to their objections to the matters being sent to the county courts. I agree with them, and I agree upon the grounds stated in that memorandum.

42,177. May I ask about one point with regard to it. Would your objection be removed if something were done which is contemplated in the Divorce Act. It says that the Court of Divorce may sit in London or elsewhere according to an Order in Council? Would you object to it if the High Court dealt with these cases elsewhere than in London?—Certainly not. I am against the cases going to the county courts as at present existing. I should like to see them tried by order of the Court at Assize before a Judge of the High Court, or I should like to see the Divorce Court sitting occasionally in large centres of population in order to deal with them, and I personally look forward to the time when the county courts will be reconstituted as District Courts of the High Court.

42,178. Supposing that were done, assume we have got as far as that, and you had district courts sitting at convenient large centres, would you be adverse to that court dealing with the divorce cases?—No. I am speaking now with regard to a few district courts in large centres of population, assuming that a district court had been established, which was a portion of the High Court, subject to the authority and in direct communication with the High Court. I should see no

objection to their being tried there.

42,179. Do you think that something of that kind is necessary to meet the poor cases?—I do not know that it would be necessary. I should like a little experi-

ence with regard to the trial of these cases at assizes before saying that so great a change would be rendered necessary for the purpose of dealing with divorce cases, but apart from divorce cases, I have a very strong opinion as to the desirability of remodelling the county court system and establishing a system of district courts.

42,180. That would probably meet, in your view, the case of the poorer people, who would get readily to it?—I think that would meet a great deal of the

difficulty.

42,181. Then as to publication?—As to the publication of divorce cases, I do not think one can exaggerate the mischief that is done by the present methods of the publication of the cases. It is not merely that the facts of the case are published, but all the letters are published, the publication of which cannot conceivably be of any advantage to anybody; they degrade the reports and make them more exciting and mischievous. It is an extremely difficult question. I do not myself think that the fear of publicity has a deterrent effect.

42,182. On the commission of the act?—In preventing the actual commission of immorality. I think that is much exaggerated: but with regard to publication, it is an extremely difficult question, and the suggestions which I would make are these two: one, that no reports should ever be allowed of a case till it was finished. The mischief really is that we occasionally get what are called sensational cases, and day after day the papers are largely filled with detailed reports of those, and a great excitement is produced, which is in every way mischievous. It cannot in the least degree be advantageous to anybody. That would be very much checked if no report of a case were allowed to be published till that case was finished. Then I think that there should be an official publication of the full names and addresses and descriptions of persons found guilty of adultery. I have known in

my experience a number of cases tried in the courts and never reported at all. The publicity has been avoided in different ways; I have known many such cases.

42,183. It is avoided in one respect compulsorily. If you have twenty cases in the day, which is quite common, no paper could find the space to report all of them, and a great many escape publication?—I am not referring to that sort of case. I have many instances in my recollection of applications, where I have often wondered that the judge was not suspicious, to take a case at half-past three or a quarter to four, and the general object of that is that it shall be taken quite quietly at the end of the day when the reporters have had enough to do, and no notice is taken of it and the names do not appear. I think it is extremely important just as when solicitors go wrong and the court has to deal with them, it puts in the papers the name and address of the offending solicitor, that there should be an official statement of the names and addresses of all persons found guilty of adultery.

42,184. Would you be in favour of hearing all these cases in camera?—No, I think not. There are dangers in that direction, too. I know of a case which was heard in camera, and the carrying through of that case to a result which would have been extremely mischievous, was only prevented by very strong steps being taken with regard to representation to the King's

Proctor.

42,185. You always have the power to intimate to the King's Proctor in any suspicious case?—Yes, one always has the power to do that, but I have this case very strongly in my mind.

42,186. However, the point is that you regard this unlimited publication as a serious evil ?—I do, very.

42,187. Has anything been brought before you that specifically shows its evil effects?—I do not say one could pick out a particular case, although I am not sure I could not do that even, but one's general know-

ledge of the effect of these cases and the eagerness with which people read them and talk about them, and the eagerness with which the papers are bought which contain these particulars, quite satisfy me that the present unlimited publication is a very grievous evil.

42,188. The other points are minor ones: you do not give evidence as to separation orders or costs?—No.

42,189. Those are outside your experience?—Yes.

42,190. Sir George White: I understand that you consider marriage indissoluble except from the one view of adultery?—Yes.

42,191. It would not modify your opinion a bit, the fact of having cases of permanent insanity, or persistent cruelty, or anything of that kind, however hard the case might be ?—It would not modify my case at all. As a Churchman I am bound by the law of Christ.

42,192. So far as facilities under the existing divorce law are concerned, you are prepared to consider any reasonable proposals to bring the facilities within the reach of the poorer classes?—I strongly desire to make the relief in case of adultery more easily obtainable by the poorer people.

42,193. Do you think that by holding sessions of the High Court in the provinces, the expense would be sufficiently reduced under those circumstances to bring it within the reach of the poorer classes?—No, I do

not think that alone would do.

42,194. Have you any other suggestion?—Yes. I did not mention specifically that subject, but I said that with regard to these matters, I concurred with the recommendation of the General Council of the Bar, and that contains specific suggestions as to costs, and so on.

42,195. Lady Frances Balfour: You are for making

it equal as between man and woman ?—Yes.

42,196. You said men and women had agreed that the crime was different between the sexes. Would you not rather put it that men had agreed that it was different with women than with men?—No.

42,197. Is there evidence that women agree ?—I

think both sexes agree as to that.

42,198. I should take exception to that. I think men have always said women should be chaste, and they need not be?—I think my experience is, and I thought everyone's was, that women were very much more indulgent to the faults of men than to the faults of their own sex.

42,199. We have heard a great deal about the forgiving wife?—I am not speaking of the forgiving wife, but the general tone of women's opinion or feeling with regard to this.

42,200. Is it your opinion that women think men should have less restraint than the women have themselves?—I think the women feel less keenly the mischief of the offence in the man's case than in their own.

42,201. Why do you think they think men have to give way to this so much more; is it that they are weaker morally?—I think that the explanation really is as suggested, that with the man there is a great deal more of the physical element in it than in the case of the woman.

42,202. I take exception to the form and I should like to put it in a form you could agree to. I should say, "Men believe there ought to be a difference," not "men and women"?—I am afraid I cannot accept the correction.

42,203. Sir Lewis Dibdin: You have told us that your view that the grounds of divorce should not be enlarged rests on the New Testament, but I gather your view is also that an enlargement of the grounds of divorce is undesirable on the grounds of general public policy?—Yes.

42,204. That would be apart altogether from the Scriptural argument, I will call it for shortness?—

Apart altogether from that.

42,205. Is it your view that a multiplication of the different grounds on which a marriage could be severed must have the effect of making the public regard

marriage as a less permanent institution?—I think that would be the tendency of any extension of the grounds. 42,206. That view, I suppose, applies equally to

42,206. That view, I suppose, applies equally to Christians and non-Christians; it applies to the whole

nation ?—That would apply to all, certainly.

42,207. So that your second reason for objecting to the enlargement of the grounds is one that affects the nation quâ nation, irrespective of its Christian character?—That is so. I have entirely failed to find any means of deciding where the line should be drawn with regard to relief directly you go outside the one specific question.

42,208. The other question I wanted to ask was with regard to county courts. You are against jurisdiction being given to the county courts as they exist

to-day ?-Yes.

42,209. I gathered you would be in favour of such an extension of the jurisdiction of the High Court to the provinces as would make at any rate certain county courts have High Court jurisdiction?—Yes, that would be so.

42,210. That would be not only in divorce matters, but in all matters?—I think in all matters. The

system wants remodelling.

42,211. Would you be in favour of divorce jurisdiction alone being extended to certain of the county courts, giving them this jurisdiction before and apart from any extension of the High Court jurisdiction in other branches?—No, I think not, because my willingness to see jurisdiction in divorce cases given to any county court is dependent upon the status of those courts being altered and their relationship to the High Court being altered.

42,212. Till that is done as a whole you would be against it being done for divorce only?—Decidedly.

42,213. Judge Tindal Atkinson: I understand you agree it is very essential that the poorer classes of the community should have some court to resort to in order to obtain a matrimonial remedy?—Yes. I am very

anxious that poor circumstances should not deprive a man or woman of the remedy which is given by the Divorce Acts.

42,214. You know, after your years of experience, that any great reformation takes a great number of years to accomplish?—I do, unhappily.

42,215. And this question of the reconstitution of the county courts in combination with the High Courts may still take some years?—I think that is very likely.

42,216. That being so, and it being urgent the poor should obtain some relief, that should be dealt with at once. Do you agree with that?—As to its being

urgent, I think it very desirable.

42,217. Supposing it was proved to us that the denial of the facilities for divorce has led to and is leading to a considerable amount of immorality throughout the country, it is obvious that should be put a stop to as soon as possible?—It is very desirable that should be put a stop to, if that is the fact, as I take it from your question.

42,218. Assume that for the question I am going to ask you. I appreciate, and I daresay you would if you were a county court judge, that the difficulty which the poor have is in reaching the courts that are some distance from their residence. It is not merely the expense, but it is the absence of witnesses from their work which is the great difficulty with them. If they had to go to the assizes or only a few towns in the country, you recognize that difficulty will still exist?—It would be only partially remedied.

42,219. And that it is essential. The county courts do at the present time give the poor people that relief in respect of which there is jurisdiction, which was the very object with which county courts were created?—

Certainly.

42,220. One other objection which the Bar Council took is the difficulty of technical collusion. Does that press you at all?—I think by sending divorce cases to be dealt with by county courts as at present consti

tuted there would be a great risk, especially seeing that the county court judges are very heavily over-worked now in many cases, of less consideration and care being given to the cases than they ought to receive.

42,221. Those are two separate propositions; the question of collusion and the question of the congestion of the work are separate matters?—They do connect themselves in this way, that the pressure of work in the anxiety to get through many cases makes the judge less watchful as to the conditions under which the case is being conducted.

42,222. The second point involves this. If the county courts have the jurisdiction they would fix special days to do the divorce work, and do no other work on those days, which would obviate that difficulty ?-I doubt very much whether that would be found necessary in many county courts. I doubt whether there would be a very large number of cases.

42,223. I have no doubt special days could be specially arranged. With regard to the question of collusion, I suppose Sir George Lewis would be considered one of the greatest authorities on that subject?

-Undoubtedly.

42,224. Sir George Lewis said if desertion is abolished, which you advocate, collusion disappears. That was his opinion. He said if you abolish desertion from the divorce procedure, collusion simply disappears?— That is, if you had simply divorce for adultery?
42,225. For adultery alone?—I do not understand

that.

42,226. That was his opinion?—My experience is quite the contrary. My experience is that with regard to cases of adultery collusion is very frequent.
42,227. He said, "I do not believe there is collusion in the Divorce Court, or, at least, very little indeed." That was his evidence. I do not know whether you agree with it ?—Sir George Lewis may apply a different meaning to the word "collusion," but I have known

case after case where the defence, the respondent and his solicitors, have supplied to the petitioner the date and place at which they could get evidence of adultery, the adultery being, in fact, committed in order that the suit might go through.

42,228. I should think those are very rare cases ?-

I do not think they are very rare.

42,229. Sir George Lewis apparently thinks so himself, and he is much behind the scenes ?-I think with regard to the three or four cases in my mind at the moment, Sir George Lewis and I are on equal terms as far as knowledge of the facts is concerned.

42,230. Then with regard to the King's Proctor, he says, "Although collusion may be suspected in a good many cases, the suspicion is ill-founded, and the cases of detected collusion are very small, perhaps three in one year and one in another." Does that alter your opinion?—I can only say that I am surprised to hear it.

42,231. Lord Salvesen, a very experienced judge, said he does not think collusion exists, certainly amongst the poorer classes of the community in Scotland?—I would accept anything he said with regard to Scotland with great respect.

42,232. As to the doctrine of recrimination, I do

not think you have been asked about that. Do you think it would be a good thing to abolish it?—No, I do not think so; it has not occurred to me as being

desirable.

42,233. Supposing the petitioner is proved by the respondent, who is equally guilty, to have been guilty of adultery, do you think as a rule that ought to deprive the petitioner of a right to a decree ?-I think that that is closely connected with my very strong view with regard to condonation. I think there should be no recrimination of an offence which has been condoned.

42,234. Supposing there is no condonation in the case, but a pure question of recrimination, is there any object in keeping that principle any longer in existence?

-Yes. I do not see the advantage of doing away with it. It is true it prevents the people getting the divorce, but in that case I am not quite sure that it is to the advantage of anybody that the divorce should be granted and they should be free to marry other people.

42,235. That is a part of your opinion, apart from

guilty parties not remarrying?—Yes.
42,236. Is there any object in keeping two persons married both of whom have made the marriage contract absolutely impossible by a breach arising from unfaithfulness? Why should you keep those people married?—I do not think that is a case in which the

court can decently interpose to set them free.

42,237. Chairman: With regard to the constitution of the courts, is there any other class of case except the divorce cases in which the poor have not at present a court to which they can resort? What I mean by that is this. For the small debts which poor people incur, for the small torts they suffer, and for the crime with which they are concerned, there is always a local tribunal they can get to, or are forced to go to if it is crime ?-Yes.

42,238. Is it not a fact that divorce is the only class of business which people without means of getting to London have no opportunity of presenting to the

courts ?-Yes, I think that is so.

42.239. Would that not rather indicate, if a form of giving some jurisdiction to the High Court in the country were desirable, some more urgent need for dealing with that matter than waiting till the whole jurisdiction of county courts was altered ?—I answer that by saying I do not think, until the whole jurisdiction of the county courts and the system is altered, that you will get the same character of tribunal such as I-think you ought to have in cases so serious as those which affect the status of the persons engaged in the case.

42,240. If that could be done, that would meet your difficulty?—Yes, and I look in the future to an alteration in the status and character of the court as giving local opportunities, and I also look to the suggestions made by the General Council of the Bar with regard to the fees and costs, and so on, as at all events mitigating the difficulty during the time that that reform has not been carried out.

42,241. With regard to the question one of the Commissioners put about the possibility of adding causes of divorce tending to lessen the respect for the marriage tie, might I ask you if you have given this your consideration. Assuming that there is a good deal of evidence of immorality produced by improper connections through there being no relief obtainable by poor people, assuming that there are cases where brutality is such as to make life impossible, assuming that there are cases where desertion has occurred such as that one person is left in this country and the partner has gone off and established himself in America, say, assuming that there are cases in which habitual drunkenness is such as to make life impossible, and assuming cases of insanity of which there are a considerable number, do you think it a possible view or not, that holding people to the tie of marriage in those cases as a legal tie where de facto it has ceased, may not degrade in their minds and the minds of the population, the idea of marriage as a tie held on to in circumstances which make it almost a mockery ?-No, I do not think so. My view would be the other way, that the existence of those cases of undoubted hardship rather emphasize the sanctity of the marriage tie.

42,242. Do you think they do so where people come to disregard the tie, in consequence of the position, as one which they cannot stand?—I think the effect of the recognition of the sanctity of the marriage tie, where cases of hardship really do exist, but where the parties have not fallen into immorality, does much more to elevate the character of marriage than the lapse in certain cases from morals does to degrade.

42,243. Sir Lewis Dibdin: With reference to his

Lordship's first question, is it quite the fact that divorce is the only civil matter there is no right of dealing with in the local courts? Is there any jurisdiction with regard to libel?—No, libel, breach of promise of marriage, and seduction.

Chairman: Those may be brought in the county

court by consent.

Sir Lewis Dibdin: Can they?

Chairman: Any ordinary Common Law case of the High Court can by consent be brought in the county court.

Sir Lewis Dibdin: There is no jurisdiction?

Chairman: Not without consent.

Witness: There is one thing I wanted to mention: it is by way of correction. In the memorandum I read I referred to St. Augustine and St. Ambrose and St. Jerome as having held that marriage might be dissolved on the ground of adultery. I should have added, with regard to St. Augustine, he appears to have made the reservation, although I do not think it is clear, that the parties shall not marry again during the lifetime of the other.

42,244. Chairman: I think you may take it we have had before us the means of referring to all those authorities for ourselves?—I have no doubt you have, from higher authorities than myself.

Chairman: We thank you very much for your attendance and for giving so much thought to your

evidence.

